

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF NEW MEXICO  
3 UNITED STATES OF AMERICA,  
4 Plaintiff,  
5 vs. NO: CR-15-4268 JB  
6 ANGEL DELEON, et al.,  
7 Defendants.

8  
9 Transcript of excerpt of testimony of  
10 BILLY CORDOVA  
11 May 9, 2018, and May 10, 2018  
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1 May 9, 2018

2  
3 THE COURT: All right. Mr. Castellano,  
4 does the Government have its next witness or  
5 evidence?

6 MR. CASTELLANO: Yes, Your Honor, the  
7 Government calls Billy Cordova. I think he's being  
8 moved up to the courtroom now.

9 THE COURT: All right.

10 MR. CASTELLANO: While we're waiting, Your  
11 Honor, I'll move the admission of Government's  
12 Exhibit 787, which is Billy Cordova's pen pack.

13 THE COURT: All right. Not seeing or  
14 hearing any objection, Government's Exhibit 787 will  
15 be admitted into evidence.

16 (Government Exhibit 787 admitted.)

17 THE COURT: Mr. Cordova, if you'll come in  
18 and stand next to the witness box right in front of  
19 you, before you're seated, my courtroom deputy will  
20 swear you in. If you'll raise your right hand to  
21 the best of your ability.

1 BILLY CORDOVA,  
2 after having been first duly sworn under oath,  
3 was questioned, and testified as follows:

4 THE CLERK: Please state your name and  
5 spell your last name for the record.

6 THE WITNESS: My name is Billy Cordova.  
7 B-I-L-L-Y, C-O-R-D-O-V-A.

8 THE COURT: Mr. Cordova. Mr. Castellano.

9 MR. CASTELLANO: Thank you, Your Honor.

10 DIRECT EXAMINATION

11 BY MR. CASTELLANO:

12 Q. Good afternoon, Mr. Cordova.

13 A. Good afternoon, sir.

14 Q. Can you tell the members of the jury  
15 whether you are or ever have been an SNM Gang  
16 member?

17 A. Yes, sir, I've been an SNM Gang member.

18 Q. And when did you first become an SNM Gang  
19 member?

20 A. In 2003, but I was a prospect of SNM since  
21 2000.

22 Q. Can you explain to us what the difference  
23 is between being a prospect and being a member?

24 A. A prospect is an individual that is  
25 grooming, is thinking of becoming an SNM member.

1 Q. Before you became a prospect, were you a  
2 member of any other gangs?

3 A. Yes, sir.

4 Q. What gang was that?

5 A. My street gang, Juarez Park.

6 Q. And what were they tied to?

7 A. They were tied to -- back to, like, the  
8 Juarez Cartels. It's originally from Juarez,  
9 Mexico.

10 Q. When did you first join that gang?

11 A. At the age of eight years old.

12 Q. How did you come into that gang?

13 A. I grew up with a bunch of individuals in  
14 my neighborhood, in the War Zone -- that's what it's  
15 called -- in Southeast, Northeast part of  
16 Albuquerque, New Mexico.

17 Q. And what would you describe as the War  
18 Zone in terms of the street boundaries?

19 A. It's from Marquette to Southern, and from  
20 Louisiana to Wyoming, that four-block radius.

21 Q. When you were part of the street gang,  
22 what were some of the things you did in that gang?

23 A. Everything from selling narcotics to armed  
24 robberies, to attempted murders, to practically  
25 everything a gangster does.

1 Q. And how did you come into the gang?

2 A. Individuals in my neighborhood, I started  
3 hanging around with them and doing crimes with them,  
4 and they put me through a few tests. And later on  
5 they ranked me in.

6 Q. How did they rank you in?

7 A. Four individuals jump you, and beat you up  
8 for a minute.

9 Q. How old were you at that time?

10 A. I was eight years old.

11 Q. During the time you were running around  
12 with the -- with your street gang, were you ever  
13 introduced to somebody named Angel Munoz?

14 A. Yes, sir. I was introduced to him in  
15 2000, when I had just got out of New Mexico Boys  
16 School, Springer, for juveniles.

17 Q. How old were you at that time?

18 A. I was 15, 16 years old.

19 Q. And did you do anything for him at that  
20 time, or did you take anything to him?

21 A. Yes, I met him through another individual,  
22 my baby's mom's brother -- Baby Zack had just got  
23 out of Hobbs, New Mexico, prison. And I started  
24 rocking drug dealers for him; tying people up, even  
25 taking them to him, people who owed him money.

1 Q. And was that on the streets or in prison?

2 A. It was in the streets.

3 Q. So at that time, was Angel Munoz on the  
4 streets?

5 A. Yes, he was living in Martineztown on  
6 Walter and Mountain, I believe.

7 Q. And who was he?

8 A. He was -- well, what we refer as jefe, one  
9 of the founders of the SNM organization.

10 Q. And when you met him on the streets, did  
11 he have any kind of protection with him or around  
12 him?

13 A. Yes. I believe one of the individuals was  
14 Jake Armijo, Big Jake. Another, I think it's  
15 Jacobo, I think, was one of the members. I was  
16 around him. He dressed like a paisa cachorro.

17 Q. When you use the term paisa, how would you  
18 describe --

19 A. Like cowboy boots and a cowboy hat, like a  
20 big old Mexican.

21 Q. Like a Mexican cowboy?

22 A. Yes, sir.

23 Q. Now, once you were introduced to Angel  
24 Munoz, did anyone start grooming you to become a  
25 member of the SNM Gang?

1 A. Yes. It was Baby Zack, Reynaldo Garcia.

2 Q. Is Baby Zack related to anyone in the  
3 courtroom?

4 A. Yes, sir. He's related to Billy Garcia,  
5 also known as Wild Bill.

6 Q. Do you see that person in the courtroom  
7 today?

8 A. Let's see. Yes, sir, he's --

9 MR. COOPER: We'll stipulate, Your Honor.

10 A. -- right there in the blue shirt and  
11 glasses.

12 THE COURT: Does that work for you,  
13 Mr. Castellano?

14 MR. CASTELLANO: Yes, Your Honor. Thank  
15 you.

16 BY MR. CASTELLANO:

17 Q. About when is the time that Baby Zack  
18 started grooming you for membership into the SNM?  
19 About what year?

20 A. 2000, 2001.

21 Q. Where were you when you were approached  
22 about becoming a member?

23 A. I was in BCDL County in 6 West. I was a  
24 juvenile being tried as an adult.

25 Q. What year was that?



1 A. That was in 2003.

2 Q. And when you say BCDC, is that what was  
3 known as the Bernalillo County Detention Center?

4 A. Yes, sir.

5 Q. You were 16 at the time?

6 A. No, sir. I was I think 18, 19. I picked  
7 up an offense as a juvenile, but I was tried as an  
8 adult; took a while for me to get convicted and  
9 stuff.

10 Q. And who brought you into the gang  
11 officially?

12 A. It was William Baca, a/k/a Duke; Daffy,  
13 his name is Netavio Garcia. And Bad Boy; he's dead  
14 now, from South side.

15 Q. When you first joined the gang, did  
16 anybody explain the rules to you?

17 A. Yes, sir.

18 Q. What were some of those rules?

19 A. Those were blood in, blood out. Once  
20 you're in the organization, there is only one way  
21 into the organization, to be a full-fledged carnal,  
22 to earn the SNM on you, or other tattoos; you had to  
23 stab people, murder people. Once you get in, the  
24 work don't stop; you keep on putting in work,  
25 anything you can do for the onda; no ratting, no

1 talking to law enforcement; no -- don't let nobody  
2 disrespect you.

3 Q. What would happen if there was an act of  
4 disrespect? What was the response supposed to be?

5 A. An assault or murder. The intent is to  
6 try to kill the person if they disrespect you.

7 Q. And were you ever familiar with the term  
8 leaving a brother flojas?

9 A. Yes. If you leave a brother -- what it  
10 is, if you leave a brother stranded during a  
11 mission -- what we call mission is putting in work  
12 for the SNM -- you're subject to be green lighted,  
13 which is marked for death.

14 Q. So if a brother went on a mission and you  
15 didn't back him up, was that a problem?

16 A. Oh, yeah. You're put on a green light  
17 list and probably murdered.

18 Q. And where was the SNM supposed to be in a  
19 person's life? What place was it supposed to take?

20 A. Comes first. SNM is our everything, our  
21 religion, our beliefs; comes before your family,  
22 your kids, even before yourself. It's what we call  
23 onda; it's our destiny.

24 Q. Okay. I'm going to go over some of your  
25 criminal history. I'm going to show you

1 Government's Exhibit 787. I'm going to turn your  
2 attention to page 23103. Okay. Do you see in 2002,  
3 January, there is a guilty plea, previously accepted  
4 by the court in 2001, for aggravated burglary, which  
5 is aggravated because you were armed after entering  
6 the residence?

7 A. Yes, sir.

8 Q. And among the other crimes here, do you  
9 see a number here which is YR 010032?

10 A. It's a youthful offender number from the  
11 juvenile facility. I was a juvenile at the time the  
12 crime was committed.

13 Q. Is that what you were referring to, you  
14 were a juvenile, but because of these offenses you  
15 were punished as an adult?

16 A. Yes, sir.

17 Q. Let me turn your attention to Bates 23106.  
18 Do you see the matter coming before the Court in  
19 January of 2007?

20 A. Yes, sir.

21 Q. Let me turn your attention to the next  
22 page. Do you see a conviction here for resisting,  
23 evading, and obstructing an officer?

24 A. Yes, sir.

25 Q. Was that a misdemeanor?

1 A. Yes, sir.

2 Q. Where did that crime occur?

3 A. It occurred in MDC county jail. I  
4 received a huila from the guy that brought me into  
5 the SNM -- a huila is a kite from the streets --  
6 indicating that there was an SNM dropout in Seg Unit  
7 that I was supposed to get at, and I did. I started  
8 an argument with the STIU officers, which placed me  
9 in segregation there. I took the keys from the --

10 Q. What was the problem with that person?

11 A. He was an SNM dropout. He was a target  
12 for the SNM. So what I did is, I got into the seg  
13 unit, manipulated the system; got into the seg unit,  
14 assaulted a cop; got control of the control center;  
15 popped their doors, and we stabbed him and beat him  
16 up.

17 Q. Did that person survive that assault?

18 A. Yes, sir.

19 Q. Sounds like pretty serious conduct, having  
20 stabbed somebody. Do you know why you were only  
21 convicted of resisting, evading, or obstructing an  
22 officer?

23 A. Because he refused to testify and because  
24 the CO made a mistake, so there was what you call  
25 like a technicality in the case.

1 Q. So as a result of what happened there, did  
2 it result in a misdemeanor conviction?

3 A. Yes, sir.

4 Q. Let me turn your attention next to page  
5 23111. Do you see a conviction having come before  
6 the court in 2008, for resisting, evading, or  
7 obstructing an officer, and in parentheses it says  
8 "a correctional officer"?

9 A. Yes, sir.

10 Q. Was that for conduct occurring in 2007?

11 A. Yes, sir.

12 Q. And since it was a correctional officer,  
13 was that another act of resisting inside of a jail  
14 or prison facility?

15 A. Yes, it was a prison facility. One of the  
16 officers was heard to hang around one of the other  
17 groups, and one of the other officers that was  
18 having domestics with what we call our organization  
19 at another facility. So I took it upon myself to  
20 assault him.

21 Q. Let me turn your attention to page 23113.  
22 Do you see this filed with the Court on July 1 of  
23 2011?

24 A. Yes.

25 Q. Let me turn your attention next to the

1 next page. Do you see convictions here for  
2 aggravated battery, and does HH stand for household  
3 member?

4 A. Yes, sir.

5 Q. And does GBH stand for great bodily harm?

6 A. Yes.

7 Q. And another conviction for possession of a  
8 controlled substance, being heroin?

9 A. Yes, sir.

10 Q. Okay. Mr. Cordova, you had mentioned  
11 before that the SNM had to come first; is that  
12 correct?

13 A. Yes, sir.

14 Q. I want you to tell the jury about this  
15 aggravated battery against a household member. Who  
16 was the victim of that crime?

17 A. It was my wife. She had broke the rules  
18 of the organization, so a violation was required for  
19 her and one of the other SNM members. So I severely  
20 beat her, causing great bodily harm.

21 Q. So was this the result of another incident  
22 of what happened between two brothers before?

23 A. Yes. We didn't want it to turn into  
24 another Styx and Julian viaje, where that started a  
25 war; brothers were getting stabbed and murdered over

1 it, because one of the brothers disrespected another  
2 brother with his wife.

3 Q. You used the term "viaje." What did you  
4 mean by that?

5 A. It means a situation.

6 Q. Now, who either asked you or ordered you  
7 to hurt your wife in order to avoid a Styx and  
8 Julian Romero situation?

9 A. I had a conversation with Styx and with  
10 Arturo Garcia.

11 Q. And was the other person -- was your wife  
12 talking to another SNM Gang member?

13 A. Yes, sir.

14 Q. So as a result of your wife talking to  
15 another member, was this once again to avoid  
16 something that happened between Styx and Julian?

17 A. Yes.

18 Q. And did you hurt your wife pretty badly?

19 A. Yes, sir.

20 Q. What happened to your wife, Mr. Cordova?

21 A. I broke her jaw, broke her ribs, broke her  
22 arm in a couple of places, gave her some internal  
23 bleeding, and broke the top bridge of the inside of  
24 her teeth, her mouth.

25 Q. All right. So about how long did it take

1 her to recover from those injuries?

2 A. Months.

3 Q. And once again, did you do that because it  
4 was expected of you by virtue of your membership as  
5 an SNM Gang member?

6 A. Yes.

7 Q. What did the possession of heroin have to  
8 do with the other charge here?

9 A. Me and another SNM member were trafficking  
10 narcotics to further the organization of the SNM on  
11 the streets. He got caught one day. I got busted  
12 four days later.

13 Q. Now, it's not in your penitentiary packet,  
14 but I'm going to ask you about another conviction of  
15 yours. Around the January 2016 timeframe, were you  
16 pending sentencing for another case?

17 A. Yes.

18 Q. What had you been charged with initially?

19 A. Manslaughter.

20 Q. Were you charged with manslaughter or was  
21 that the result of your trial?

22 A. I was charged with first-degree murder,  
23 willful and deliberately. I was facing life plus 44  
24 on that case.

25 Q. And did you take that case to trial?



1 A. Yes, sir.

2 Q. What was the result?

3 A. I got manslaughter, seven years.

4 Q. So were you -- and where were you being  
5 housed at that time?

6 A. In prison, back and forth from the county  
7 jail, also in MDC county.

8 Q. And so did MDC replace the old BCDC as the  
9 jail?

10 A. Yes, sir.

11 Q. And in December of 2015, do you remember a  
12 certain event taking place at MDC with SNM Gang  
13 members?

14 A. Yes, sir. It was a gang sweep. We were  
15 getting hit with the RICO Act by the FBI.

16 Q. As a result, did you begin seeing your  
17 brothers come into the jail?

18 A. Yes, sir. One day I was coming back -- I  
19 was in the middle of my murder trial -- I was coming  
20 back in. And the whole unit was full of my  
21 brothers. They told me they were being hit with a  
22 RICO Act.

23 Q. And following that time, in January of  
24 2016, did you have a meeting with anybody from the  
25 FBI?

1 A. Yes, sir.

2 Q. How did that meeting take place?

3 A. Bryan Acee pulled me out with the STIU  
4 there at the county jail and explained to me that  
5 SNM is being targeted for RICO Act for numerous  
6 murders and assaults and other things of organized  
7 activity.

8 Q. And did you agree to talk to him on that  
9 day?

10 A. Yes, sir.

11 Q. And was that -- would you consider that a  
12 violation of the SNM rules at that time?

13 A. Of course.

14 Q. Why did you agree to talk to him?

15 A. Because I was just -- I was tired of the  
16 lifestyle.

17 Q. Did you understand that you could  
18 potentially be charged as a result of the SNM  
19 members being arrested?

20 A. Yes, sir.

21 Q. After you met with Agent Acee, did you  
22 agree to speak further with the FBI?

23 A. Yes, sir.

24 Q. And did you agree to cooperate with the  
25 FBI?

1 A. Yes, sir.

2 Q. And within a month of your agreement to  
3 cooperate, what were you doing for the FBI?

4 A. I was conducting recordings on murder  
5 investigations that were being conducted within the  
6 organization by the FBI.

7 Q. And did you record people in a prison  
8 facility?

9 A. Yes, I recorded one at a Level 6 facility,  
10 and I recorded another one in Level 4, tier time  
11 facility.

12 Q. How were you able to do that?

13 A. With a recorder through the vents.

14 Q. And did you record them making certain  
15 statements about a murder?

16 A. Yes, sir.

17 Q. After that time, did you continue being a  
18 cooperator for the FBI?

19 A. Yes, sir.

20 Q. And did they sign you up as a confidential  
21 human source?

22 A. Yes.

23 Q. As a result of you recording people and  
24 giving information, did they begin putting some  
25 money on your books?

1 A. Yes, sir.

2 Q. Do you remember that after all the  
3 expenses and the payments, that you received  
4 approximately \$950 from the FBI?

5 A. Yes, sir.

6 Q. At some point in time, did the payments  
7 from the FBI stop?

8 A. Yes, sir.

9 Q. What was -- why did they stop?

10 A. Because I had violated rules and  
11 regulations inside the prison facility.

12 Q. So were you still in a prison setting?

13 A. Yes, sir.

14 Q. As a result of being in the prison  
15 setting, were you allowed to have contact visits  
16 with family?

17 A. Yes, sir.

18 Q. And what happened during the contact  
19 visits?

20 A. Me and my wife were having sexual  
21 relations in the visit.

22 Q. And do you know whether or not those were  
23 recorded on video?

24 A. Yes, sir.

25 Q. And were those eventually discovered when

1 somebody saw the video?

2 A. Yes.

3 Q. About how many times do you remember  
4 having sexual relations with your wife?

5 A. A few times.

6 Q. And was anyone else in the room on some of  
7 those occasions?

8 A. Yes, sir.

9 Q. Who was there?

10 A. My daughters.

11 Q. How old were they?

12 A. At the time 11 and 12.

13 Q. Now, were your daughters able to see you  
14 having sex with your wife?

15 A. No, I believe not, but --

16 MR. GRANBERG: Objection, Your Honor.  
17 Calls for speculation.

18 THE COURT: If he knows --

19 A. No.

20 THE COURT: -- he can answer the question.

21 A. No, we'd set up a board game. I would put  
22 my yellow prison shirt over her lap, and I would --  
23 we'd be facing away from them, and I would take her  
24 pants down from behind. That's how we do it, like  
25 that.

1 BY MR. CASTELLANO:

2 Q. Was your wife sitting on your lap during  
3 these sexual encounters?

4 A. Yes, sir.

5 Q. And then you said -- did you cover her lap  
6 so no one could see what you were doing?

7 A. Yes, sir.

8 Q. And as a result of this happening, did  
9 you -- were you also punished by the Corrections  
10 Department?

11 A. Yes.

12 Q. If you recall, what was the punishment you  
13 received from them?

14 A. Six months in the hole and a year loss of  
15 all privileges.

16 Q. And can you tell the members of the jury  
17 whether or not the FBI contacted anyone to  
18 investigate that conduct?

19 A. Yes, they contacted CYFD and they  
20 investigated it.

21 Q. And were you eventually charged as a  
22 result of that conduct?

23 A. No, sir.

24 Q. Did they also contact State Police?

25 A. Yes, sir.

1 Q. And then in January of 2017 were you  
2 notified that you were being closed as a  
3 confidential human source?

4 A. Yes, sir.

5 Q. I'm going to go back to some of your time  
6 as a gang member and ask you if you ever tried  
7 taking drugs into prison facilities.

8 A. Yes, sir.

9 Q. Who would you get the drugs from? Let me  
10 ask you specifically about someone named Chris  
11 Garcia.

12 A. Yes, sir. He was one of our distributors.  
13 He was real big, heavy in the narcotics game. Real  
14 heavy. And he would produce us with narcotics when  
15 we got out to the streets, help us get on our feet,  
16 those that wanted to distribute narcotics, and  
17 introduce narcotics into facilities through staff or  
18 through visits.

19 Q. And who were some of the people you got  
20 drugs in to?

21 A. I got drugs in to numerous people:  
22 Dan Dan Sanchez, Sleepy, Cyclone. I know when I was  
23 in prison, I even hit with drugs. That was on my  
24 own terms, with Arturo Garcia, when we were at the  
25 South.

1 Q. You mentioned somebody named Cyclone?

2 A. Yes, sir.

3 Q. Was that person known as Benjamin Clark?

4 A. Yes, sir.

5 Q. And what types of drugs were you moving  
6 into the facility?

7 A. Heroin and cocaine.

8 Q. And was drug distribution part of what the  
9 SNM did when you were a member?

10 A. Yes, because it's a form of power in the  
11 prison system.

12 Q. When you were on the streets, I want to  
13 ask you about one particular incident. Was there  
14 somebody dealing drugs in the same area where you  
15 were either living or dealing drugs?

16 A. Yes.

17 Q. Was that person a Los Carnales gang  
18 member?

19 A. Yes, sir.

20 Q. Please tell the members of the jury how  
21 you learned somebody was dealing in the  
22 neighborhood, for starters.

23 A. We call our brothers our carnals. Chris  
24 Garcia had called me up on the phone and he tells me  
25 I need to contact another SNM Gang member and need



1 to speak with him. At that time I contacted Boxer,  
2 also known as Anatasccio Amador. And I went to go  
3 meet him for the first time and he explained the  
4 situation, that there was another rival gang member  
5 extorting other drug dealers and trying to  
6 distribute narcotics within our stomping grounds,  
7 which is what we control.

8 Q. So did you find out who that person was?

9 A. Yes, sir.

10 Q. And what happened after you learned who  
11 that person was?

12 A. We gave him a hotshot of heroin, which he  
13 died. And later on we went back, picked up the  
14 body, and disposed of the body.

15 Q. What does that mean, to give someone a  
16 hotshot of heroin?

17 A. Give them a bad dose, where they OD. We  
18 gave it through somebody that we knew real good,  
19 that was distributing narcotics for us. We gave it  
20 through one of our dealers and he made sure he got  
21 it, and when he OD'd, we went back and retrieved the  
22 body and disposed of it.

23 Q. Who was the person who gave that first  
24 hotshot?

25 A. It was a brother, one of our carnals,

1 Smoky from Santa Fe, his little brother.

2 Q. Did you send him into the house to give  
3 this person the drugs?

4 A. No. I was -- we were in my Cadillac.  
5 When we rolled up, the windows were tinted so they  
6 couldn't see who I was. Boxer gave him the hot dose  
7 of heroin and told him to make sure he gets this.  
8 Then we gave him another different-colored balloon  
9 of heroin for himself, for doing the job for us.  
10 And about 30 minutes later he called us back up,  
11 told us that the guy dropped in the bathroom, he  
12 OD'd. We went back and checked him to make sure he  
13 was dead. He was dead. We retrieved the body, put  
14 it in my trunk, and went and dropped him at a nearby  
15 church.

16 Q. Did you ever know what happened to that  
17 person?

18 A. That person was discovered by the coroner  
19 of Albuquerque Police Department.

20 Q. Were you ever -- before you told the FBI  
21 what happened, had anyone ever caught you for that  
22 crime?

23 A. No. I was never apprehended for the  
24 murder.

25 Q. Were you ever arrested or prosecuted for

1 that crime?

2 A. No, sir.

3 Q. I want to ask you about some of your time  
4 in the SNM and people you talked to over the years.  
5 You mentioned previously you knew about this  
6 division within the gang regarding Gerald Archuleta  
7 and Julian Romero?

8 A. Yes, sir.

9 Q. And was that about one man sleeping with  
10 another man's wife?

11 A. Yes.

12 Q. Did you ever have a discussion with Billy  
13 Garcia about that topic in 2004?

14 A. Yes, sir.

15 Q. Where were you?

16 A. MDC Seg 3, on the top long tier.

17 Q. When you say "Seg 3," what does that refer  
18 to?

19 A. It's an STG unit, the same unit, the same  
20 pod that I assaulted the other dropout, SNM member.  
21 It's kind of like a lockdown pod, but we get tier  
22 time, go out and talk to each other in front of each  
23 other's doors and stuff.

24 Q. Who else was in the facility at that time  
25 as far as SNM Gang members?

1           A.     I know that Ramon Rascon was on our tier,  
2     also known as Cheeky. He was Wild Bill's neighbor,  
3     I believe. And Frederico Munoz, also known as  
4     Playboy, was on the bottom tier.

5           Q.     Do you know why Playboy was there at that  
6     time?

7           A.     He was there for assassinating another  
8     rival gang member, also known as LC.

9           Q.     LC? Is that Los Carnales?

10          A.     Yes.

11          Q.     Is that the murder that people refer to as  
12     the barbershop murder?

13          A.     Yes, sir.

14          Q.     And tell us about the discussion you had  
15     with Billy Garcia about the Julian and Styx  
16     situation?

17          A.     Well, I had got word from one of the guys  
18     that brought me in, my sponsors, telling me to have  
19     Playboy's back because we're riding with Styx on the  
20     Julian and Styx llaves, which is a situation.

21          Q.     At that point, had you started taking  
22     sides?

23          A.     I went to Wild Bill first, because he was  
24     one of the shot-callers within the organization at  
25     the time. And I'm discussing what should I do with

1 that situation. He tells me, "Carnal, stay out of  
2 it." And --

3 Q. Just so it's clear, who told you to stay  
4 out of it?

5 A. Billy Garcia, also known as Wild Bill.

6 Q. He tells you to stay out of it. What  
7 happens next?

8 A. Well, I'm new in the organization, so I'm  
9 not understanding why he's saying stay out of it  
10 when he just had two brothers assassinated in Las  
11 Cruces, New Mexico, prison. One of them was  
12 assassinated for being a fence-jumper which was an  
13 LC member first, then became SNM. The another one  
14 was assassinated for being accused of -- for  
15 cowardice within the organization.

16 Q. Do you know that from having conversations  
17 with Billy Garcia?

18 A. Well, I asked him. I asked him, "What's  
19 the difference, carnal?"

20 Q. Just so you explain, he tells you, "Don't  
21 get involved." And how did the 2001 murders play  
22 into this conversation?

23 A. Well, when he tells me don't get involved,  
24 I tell him, "What's the difference? Looney and  
25 Pancho broke the rules, and Julian broke the rules."

1           And he says, "Carnal, this is the  
2 difference. Before you come into the organization,  
3 you're a man first. We don't accept victims, vatos  
4 that can't stand up for themselves. If you can't  
5 stand up for yourself, we're not going to stand up  
6 for you because that's not what we're about." He  
7 says, "Looney and Pancho -- Looney was a  
8 fence-jumper, so that was an onda thing. Now, with  
9 Styx and Julian, it's a personal -- it's a personal  
10 disrespect." He says, "Within the organization  
11 we're not allowed to put hands on each other, but  
12 since he disrespected him as a man, we'll all step  
13 back and we'll let them two kill each other. Now,"  
14 he says, "as far as Pancho and Looney, I had Looney  
15 hit because he was a fence-jumper, and Pancho showed  
16 acts of cowardice that left brothers flojas in  
17 Western when we hit some LCers in the gym. So  
18 that's why."

19           Q.    What's a fence-jumper?

20           A.    Somebody that is from one organization and  
21 then tries to come into another organization.

22           Q.    So when Julian Romero slept with Gerald  
23 Archuleta's wife, was it still considered an act of  
24 disrespect within the gang?

25           A.    Yes, it's an act of disrespect but it's on

1 a personal level, as one man disrespecting another  
2 man.

3 Q. Is that the way that Mr. Garcia explained  
4 it to you in terms of something that those two  
5 should just handle on their own?

6 A. Yes.

7 Q. Approximately what year was that?

8 A. 2004.

9 Q. I want to move forward to another time  
10 when you were housed with Christopher Chavez and  
11 someone named Joe Martinez. Do you remember about  
12 what year that was?

13 A. Yes, sir. That was in 2006 and '07 at the  
14 South.

15 Q. What do you remember about your  
16 conversation with Christopher Chavez?

17 A. Christopher Chavez was a porter at the  
18 South Level 5. At this time, I'm still in solitary  
19 confinement because of our gang membership working  
20 our way to get out to a Level 4; right? Well, he's  
21 a porter and --

22 Q. What does a porter do?

23 A. A porter cleans the pod.

24 Q. All right. Did you have a chance to visit  
25 with him?

1           A.     Yes. My food port was open, and we got a  
2 chance to meet each other, introduce each other.  
3 And he heard I was a good carnal, that I earned my  
4 bones, and that I was down. And he was introducing  
5 himself, and he was telling me that he was down,  
6 too; and that he's earned his bones, too, in that  
7 Looney and Pancho viaje in 2001, and that he was  
8 down for the onda.

9           Q.     What did he say about people going to  
10 sleep?

11          A.     He said, "In here, carnal, if you do  
12 something, if you have to stab him, do it. But if  
13 we're out, and we can get things done, just strangle  
14 him, put him to sleep. Because by the time they  
15 find them, sometimes they'll even find them two days  
16 later or hours later. And it's the best way for you  
17 to get away and not be found. You know, you can go  
18 shower and clean up the evidence afterwards."

19          Q.     And did you come across somebody named Joe  
20 Martinez around that timeframe?

21          A.     Yes, sir.

22          Q.     Was he known by any other names?

23          A.     Yes, Cheech.

24          Q.     I want to ask you if Cheech showed you  
25 anything regarding another SNM Gang member.



1 A. Yes, he showed me Fred Sanchez's  
2 paperwork, also known as Fred Dawg.

3 Q. If you know, what was the purpose of  
4 showing you that paperwork?

5 A. Because I was real close to Fred Dawg.

6 Q. Did you know where the paperwork came  
7 from?

8 A. It came from the North.

9 Q. Do you know who was housed at the North  
10 during that time?

11 A. Yes. There was several brothers, but at  
12 that time we knew the tabla was at the North.

13 Q. And what did it mean to have the tabla?

14 A. The tabla are the advisors, the  
15 shot-callers for the organization that call the  
16 hits. Anything with policies being changed,  
17 anything big that's going on within the  
18 organization, they're the ones that call it.

19 Q. Who was on the tabla at the North at that  
20 time?

21 A. It was Arturo Garcia, Michael Zamora,  
22 Robert Martinez, Gerald Archuleta, and Juanito  
23 Mendez.

24 Q. What did it mean when he showed you  
25 paperwork on Fred Dawg?

1 A. That means that he broke the rules, he was  
2 a rat, so that was an organization thing.

3 Q. And what did you do in response to  
4 learning that Fred Sanchez was a rat?

5 A. Well, I tried to get him one day in the  
6 yard, but I didn't succeed. COs tackled me.

7 Q. What did you try to do?

8 A. Well, I took a homemade shank out to the  
9 yard, keistered in my rectum, pulled it out of my  
10 rectum, placed it around my neck, had a handcuff  
11 what call a slip key. Slip it where the teeth of  
12 the handcuffs are, and the handcuff comes right out.  
13 And I came around the yard because we were in  
14 separate cages, trying to get him, trying to stab  
15 him, and the COs tackled me.

16 Q. And did you yourself try to kill Fred  
17 Sanchez on that day?

18 A. Yes.

19 Q. And was that something you were doing  
20 pursuant to SNM rules?

21 A. Yes, sir.

22 Q. Were you successful on that occasion?

23 A. I failed.

24 Q. Do you know where Fred Sanchez went after  
25 he was at that facility?

1 A. He came down to Southern, Cruces.

2 Q. And if you recall, about how much longer  
3 after that was Fred Sanchez killed?

4 A. Probably within a week, week and a half,  
5 if that.

6 Q. I want to turn your attention now to a  
7 conversation you had with Edward Troup. Do you  
8 remember approximately when that was?

9 A. Yes, sir.

10 Q. What timeframe?

11 A. It was 2014, around February or March.

12 Q. And where you were located at that time?

13 A. Me and him were together doing time at the  
14 Southern New Mexico Correctional Facility in yellow  
15 pod. I was on the bottom tier -- he was on the  
16 bottom tier, I was on the top tier.

17 Q. And were you someone who would give Troup  
18 drugs during that time period?

19 A. Yes, we would both share drugs and get  
20 high together.

21 Q. What was Mr. Troup and Ben Clark's  
22 relationship at that time?

23 A. Well, when we would run out of drugs, Ben  
24 Clark would send in drugs sometimes. He was the  
25 only one -- he gave us help to like that. He said,

1    yeah, that's my boy.  I took care of business for  
2    him in the past, so he shows me a lot of love.  At  
3    that time he started running me down, I'm not happy  
4    with Fred Dawg.

5           Q.    Let me stop you there.  Who did work for  
6    who?

7           A.    Huero Troup did work for Benjamin Clark,  
8    Cyclone.

9           Q.    And why did Mr. Troup get involved?

10          A.    Yeah, he said he got involved because the  
11   Rascon brothers were taking too long to handle  
12   business on Fred Dawg, so him and another brother  
13   took it upon themselves and assassinated him.

14          Q.    Did he mention who the other brother was?

15          A.    No, but he was more or less like, like  
16   leaning it towards Wineo.

17          Q.    Did he use any term to describe the Rascon  
18   brothers?

19          A.    He said -- excuse my language when I say  
20   this -- but he said they're chafa, they're a bunch  
21   of pussies.

22          Q.    What does the term "chafa " mean?

23          A.    Excuse my language, but it means they  
24   ain't worth a fuck.

25          Q.    Is that a term that was used within the

1 SNM?

2 A. Yes, sir.

3 Q. Now, you mentioned that you used to deal  
4 drugs for the SNM. Were you also a drug user?

5 A. Yes, sir.

6 Q. What types of drugs have you used?

7 A. All of them.

8 Q. And when was the last time you used drugs?

9 A. About six months ago.

10 Q. Where were you?

11 A. Clayton, New Mexico, in the Northeastern  
12 facility.

13 Q. And why did you use drugs at that time?

14 A. I was -- well, today, I'm not proud; I  
15 never wanted to leave the organization, becoming a  
16 rat and informing. I'm not proud of what I'm doing  
17 here today.

18 Q. Were you struggling with that at that  
19 time?

20 A. Yes, I was struggling with that on top of  
21 a lot of other things. And there were days I  
22 couldn't get out of bed. You know, what I did meant  
23 a lot to me, being a gangster, being an SNMer. I  
24 was proud of who I was during that time. There was  
25 some days I woke up, I didn't know who I was

1 anymore. I never ratted on nobody. You never see a  
2 statement, never see me talk to the STIU. I never  
3 made a statement to law enforcement.

4 Q. Before you met Agent Acee, had you  
5 cooperated with law enforcement before?

6 A. No, sir.

7 Q. Now, I also want to ask you whether an  
8 attorney at a pretrial hearing asked you a question  
9 about your drug use. Do you recall that?

10 A. Yes, sir.

11 Q. And were you under oath at that time?

12 A. Yes.

13 Q. Do you remember what you said about the  
14 last time you'd used drugs?

15 A. Yes.

16 Q. What do you recall about that?

17 A. I didn't understand the question. I told  
18 him, no, it's been a while.

19 Q. And at that time was that true?

20 A. No, sir.

21 Q. After you testified, did you meet with me  
22 for your testimony in another proceeding?

23 A. Yes, sir.

24 Q. And at that time, did I ask you when the  
25 last time you used drugs was?

1 A. Yes, sir.

2 Q. And did you tell me?

3 A. Yes, sir.

4 Q. And as a result was that inconsistent with  
5 what you had said on the stand?

6 A. Yes, sir.

7 Q. And was that information disclosed to the  
8 defense attorneys?

9 A. Yes, sir.

10 Q. And was that brought out in court in other  
11 proceedings?

12 A. Yes, sir.

13 Q. And did you learn at that time that you  
14 had said something inconsistent with the way you  
15 were testifying?

16 A. Yes.

17 Q. What did you do as a result of learning  
18 that you misunderstood this question?

19 A. I apologized to the Court.

20 Q. Is that because this is the Court, and  
21 that's kind of a big deal?

22 A. Yes, sir.

23 Q. So when you first answered that question  
24 when you were on the stand, did you understand it?

25 A. No, sir, I didn't understand the question.

1 Q. And did you later clarify when you had  
2 actually last used?

3 MR. COOPER: Your Honor, I'm going to  
4 object to the leading nature of these questions.

5 THE COURT: Sustained. Sustained.

6 BY MR. CASTELLANO:

7 Q. So was that information then provided to  
8 the defense attorneys so they would know about it?

9 A. Yes, sir.

10 Q. And the time you said you last used in  
11 Clayton, is that the same answer that you've  
12 previously talked about?

13 A. Yes, sir.

14 Q. You mentioned struggling, even today, as  
15 somebody who is sitting on the stand. Is that  
16 something that's difficult for you as basically a  
17 lifetime gang member?

18 MR. ROBERTS: Leading.

19 MR. COOPER: Objection.

20 THE COURT: Sustained.

21 BY MR. CASTELLANO:

22 Q. Let me rephrase it. Is this easy for you?

23 MR. COOPER: Objection, leading.

24 THE COURT: Sustained. Let's let the  
25 witness testify right now, Mr. Castellano.



1 BY MR. CASTELLANO:

2 Q. How do you feel about testifying?

3 A. It's life-shattering for me. Just imagine  
4 yourself right now, everything you've worked for,  
5 everything you've done in your career, say you go  
6 and pick up a felony case right now, how your family  
7 would look at you if they found out you're a  
8 criminal.

9 Q. So what does that do to your identity as a  
10 gang member?

11 A. Right now, that's how I feel. I feel like  
12 everything I've worked hard for -- that was a  
13 career, just not -- I wasn't out there being an  
14 idiot, a stupid criminal, doing things for no  
15 reason. I was part of an organization, and we did  
16 it by reason.

17 Q. And did that include violent acts?

18 A. It included violent acts, trafficking  
19 narcotics, extortion, whatever we had to do to  
20 further the organization.

21 Q. What was your reason for doing those  
22 things at that time?

23 A. It was to earn recognition inside the  
24 organization.

25 Q. Based on your cooperation with law

1 enforcement, can you ever go back to the gang?

2 A. No, sir.

3 Q. Do you have gang tattoos?

4 A. Yes.

5 Q. Where are they on your body?

6 A. My whole right arm, my whole left arm, my  
7 neck, my chest, my hands, my face.

8 Q. I want to ask you about a tattoo I think  
9 on your left shoulder blade. What is that?

10 A. It's Sun Tu (phonetic). It's the sun god.  
11 It's what we say brothers in the organization get  
12 tattooed, ones that have spilled blood, murder,  
13 stabbing people, had done violent acts for the  
14 organization.

15 Q. Did you know any other brothers who had a  
16 similar type of tattoo?

17 A. Yes, sir.

18 Q. Who were those people?

19 A. Cyclone. I believe Huero Troup. And  
20 Sniper. There was a few of us that have that, that  
21 shed blood for the organization.

22 Q. And what does it symbolize?

23 A. It symbolizes the sun god. It's Mayan.  
24 It's -- we use another form, like the Zia, we were  
25 started to get noticed real big for the Zia.

1 Brothers that were earning their bones. So we  
2 wanted to pick out a new tattoo within the  
3 organization where brothers can single other  
4 brothers out, and put in work and it was Sana Tu  
5 (phonetic), it was the sun god.

6 Q. I want to go back to the time that you  
7 were pending the murder charge. Do you remember  
8 that?

9 A. Yes, sir.

10 Q. And where were you being housed during  
11 that time period?

12 A. I would be housed in different locations  
13 because of my court. I would be back and forth from  
14 PNM North to Central New Mexico Correctional  
15 Facility, and at the time it was finally MDC when I  
16 was going to trial.

17 Q. When you were getting moved back and  
18 forth, were you ever housed with somebody named  
19 Andrew Gallegos?

20 A. Yes, sir.

21 Q. Where was that?

22 A. It was at the Central New Mexico  
23 Correctional Facility. It was 1-B, D pod, I  
24 believe.

25 Q. And do you see that person in the

1 courtroom today?

2 A. Yes, sir.

3 Q. Where is he sitting, and what is he  
4 wearing?

5 A. I need glasses, I think. He's in the  
6 back. I need glasses.

7 Q. Did you say you need glasses?

8 A. Yes, sir.

9 Q. How well can you see across the courtroom?

10 A. From here to you, I see real blurry.

11 Q. Let me ask you this. Who is Andrew  
12 Gallegos?

13 A. Smiley, another SNM member of the  
14 organization.

15 Q. I want to ask you about a conversation you  
16 had with him. What do you remember about a  
17 conversation you had with him, including about your  
18 case and what was going on?

19 MR. SINDEL: Your Honor, may we have a  
20 limiting instruction at this time?

21 THE COURT: Do you agree to that,  
22 Mr. Castellano?

23 MR. CASTELLANO: Actually I'm not sure I  
24 do, Your Honor. If we can approach?

25 THE COURT: Why don't y'all come up and

1 remind me about what he said.

2 (The following proceedings were held at  
3 the bench.)

4 THE COURT: What's the statement here?

5 MR. CASTELLANO: So they're housed  
6 together at the Central New Mexico Correctional  
7 Facility.

8 THE COURT: Is this one of the ones I  
9 ruled on?

10 MR. CASTELLANO: No, because this happened  
11 on April 2.

12 THE COURT: Something new?

13 MR. CASTELLANO: Yes.

14 THE COURT: Where does it start?

15 MR. CASTELLANO: It's on the report Bates  
16 stamped 68508. It's page 3 of 4, the last full  
17 paragraph.

18 THE COURT: "Mr. Cordova told Gallegos  
19 about his murder case and Andrew Gallegos told him  
20 how to beat a murder case. We'll whack him. They  
21 sell for us or not at all in Valencia, Socorro."  
22 Well --

23 MR. CASTELLANO: Actually, that's not the  
24 full statement. What I can tell the Court is, I  
25 want to ask him about the drug-dealing in Valencia

1 and Socorro. I do not want to ask about the 2004  
2 murders.

3 THE COURT: You just want that last  
4 statement, "They sell for us"?

5 MR. CASTELLANO: Yes, and I have something  
6 on the next page.

7 THE COURT: All right. Let me rule on the  
8 first one there. I think on that first one, that's  
9 a statement against interest, so I'm not going to  
10 give a limiting instruction on that.

11 MR. SINDEL: But it doesn't have anything  
12 to do with Joe Gallegos. It's not part of a  
13 conspiracy.

14 THE COURT: But it's part of the SNM Gang.  
15 That's what they do. They sell drugs.

16 MR. SINDEL: I believe that's stretching  
17 what the statement is about. He doesn't say  
18 anything in here about the SNM Gang or anything else  
19 about that being the purpose of it. And I think  
20 that that's --

21 THE COURT: I'm articulating your theory;  
22 correct?

23 MR. CASTELLANO: Your Honor, it will be  
24 further explained on the next page.

25 THE COURT: All right. So I won't give a

1 limiting instruction on that statement. But if  
2 you're not going to bring in that first, then I  
3 suggest you lead him so he doesn't get into the  
4 murder cases.

5 Let me see the one on the back. The whole  
6 thing?

7 MR. CASTELLANO: Yes.

8 THE COURT: What's in yellow, or the whole  
9 paragraph?

10 MR. CASTELLANO: Actually, the whole  
11 paragraph, Your Honor.

12 THE COURT: Are you starting with A.  
13 Gallegos, or is it the sentence that's on the prior  
14 page? "Cunte took the rap because the evidence was  
15 on him." Are you trying to get that in?

16 MR. CASTELLANO: No, that refers to the  
17 2004 murders.

18 MR. SINDEL: That's Frankie; right?

19 MR. CASTELLANO: Yes.

20 THE COURT: This last sentence -- is this  
21 a statement by Andrew Gallegos, or is that action  
22 that Mr. Cordova was reporting? I'm not quite sure  
23 I understand what he's saying there.

24 MR. CASTELLANO: That refers to Mr.  
25 Cordova's case. He and his nephew were charged, and

1 one thing Andrew Gallegos had suggested to him was  
2 one person could take a heavier charge, get the  
3 other person off, and the person who gets off would  
4 get esquina otherwise --

5 THE COURT: But this is something that  
6 you're saying that Mr. Andrew Gallegos said?

7 MR. CASTELLANO: Yeah.

8 THE COURT: That last sentence?

9 MR. CASTELLANO: Yes. The idea was, one  
10 person takes the rap and the other person eventually  
11 pays him back somehow.

12 THE COURT: Is it just this paragraph or  
13 is it these other statements, too?

14 MR. CASTELLANO: The statement in the next  
15 paragraph would just go against Andrew Gallegos. He  
16 allowed Mr. Cordova to use his PIN number to make  
17 phone calls.

18 THE COURT: That's not a statement,  
19 though, that any limiting instruction --

20 MR. CASTELLANO: Correct.

21 THE COURT: That's just action? All  
22 right.

23 MR. CASTELLANO: The next paragraph says,  
24 "We're all from the onda." That would go against  
25 all the Gallegos brothers. That's the



1 second-to-the-last paragraph on that page.

2 THE COURT: I may need to give copies of  
3 this to everyone. But I think -- what was the  
4 statement on this?

5 MR. CASTELLANO: It's on the  
6 second-to-the-last page, yes, on page 3 of 4 of that  
7 document.

8 THE COURT: And where is it, again?

9 MR. CASTELLANO: It is the last full  
10 paragraph on that page. That's the beginning of  
11 that statement. So it's the last paragraph.

12 THE COURT: Where? Where is it? What is  
13 it that you want to have him say?

14 MR. CASTELLANO: The first part is that it  
15 talks about drug-dealing in Valencia and Socorro in  
16 those counts.

17 THE COURT: You better show me. I know --

18 MR. CASTELLANO: That's the underlined  
19 portion there. I intend to stay away from the  
20 discussion of the 2004 murders.

21 THE COURT: Okay. Do y'all want copies of  
22 this? Would this help, so you can see where I'm  
23 going to give the instruction and where I'm not?

24 MR. SINDEL: I think so, Your Honor. But  
25 may I say one more thing before you get rid of that?

1 THE COURT: Why don't you make a copy of  
2 this page and this page. How many copies do we  
3 need? Make 10 real quick.

4 MR. SINDEL: The other thing was that  
5 there is a reference in there I think to the  
6 conclusion that this witness draws and the "they"  
7 refers to Joe Gallegos.

8 THE COURT: The what?

9 MR. SINDEL: The use of the word "they."  
10 He never mentions, as far as I can see from the  
11 302 -- Andrew Gallegos never says Joe's name or says  
12 it's about Joe. But this witness assumes that it  
13 is. So I believe that Mr. Castellano can lead him  
14 through that to make sure that that reference isn't  
15 made. Because I think it's basically a conclusion.  
16 He never once says in anything that I've seen that,  
17 yeah, Joe Gallegos worked or did this.

18 THE COURT: Here's what's going to happen.  
19 You're going to get him to say -- you can lead him  
20 because Mr. Sindel says you can. But then I assume  
21 you're going to turn around and say, "What did you  
22 understand he means by 'they'?" And he's going to  
23 say. If he doesn't say --

24 MR. SINDEL: I'm going to be shocked if he  
25 doesn't say it, because I think he's been asked that

1 before. But I think that that's just a conclusion  
2 on his part, you know. It's his opinion. It's not  
3 necessarily based on any facts that he learned from  
4 either Joe Gallegos or Andrew Gallegos. So he can  
5 use the word "they." We're stuck with that.

6 THE COURT: Well, I think you can also ask  
7 him what he understood by it. And you can talk to  
8 him on cross about whether he has any basis for that  
9 conclusion. But if a person is in a conversation  
10 and they're reporting that conversation, later I  
11 think they can testify about what they thought the  
12 word "they" meant and what they understood it to  
13 mean.

14 So on this on these two pages, you'll see  
15 where I'll give the limiting instruction and where  
16 I'm not. The ones where I am not giving the  
17 limiting instruction seem to me statements that are  
18 against interest, and so they're coming under that  
19 hearsay exception and not the statement of a party  
20 opponent, where I would normally give a limiting  
21 instruction. So it will track that difference.

22 See if I can get these copies for you.  
23 Front and back. How is that for service?

24 MR. SINDEL: Never been happier.

25 THE COURT: I can tell. You can thank me

1 real loud when we leave this bench conference;  
2 right?

3 MR. SINDEL: I think I'll write it to you.

4 THE COURT: Mr. Cooper. Okay. Let me  
5 give you your document back, Mr. Castellano.

6 Is everybody in agreement that we want  
7 Mr. Castellano just to lead through this so we can  
8 break it down and give limiting instructions  
9 appropriately? I think everybody is shaking their  
10 head. So you can lead through these to get these  
11 statements, and then I will try to give the limiting  
12 instruction. If I don't, stand up and tell me. But  
13 I will try to give this the best I can here.

14 All right.

15 MR. SINDEL: Okay.

16 MR. ROBERTS: Does it matter when I object  
17 to leading questions? I'll put on the record that I  
18 do.

19 THE COURT: I guess -- well, it's probably  
20 not as good for you, but do you want to object?

21 MR. CASTELLANO: I'm told by the other  
22 lawyers that the witness needs to use the restroom  
23 pretty badly, Your Honor.

24 THE COURT: The witness does?

25 MR. BLACKBURN: He was leaning over

1 talking to us.

2 THE COURT: Do you need to use the  
3 restroom?

4 MR. CASTELLANO: Sorry, Your Honor.

5 MR. COOPER: And he's a youngster.

6 (The following proceedings were held in  
7 open court.)

8 THE COURT: Do you need to go now?

9 All right. The witness needs to use a  
10 restroom, so we'll take our break now. All rise.

11 (The jury left the courtroom.)

12 THE COURT: All right. We'll be in recess  
13 for 15 minutes.

14 (The Court stood in recess.)

15 THE COURT: Let's go on the record. I  
16 think we've got each defendant, and we've got an  
17 attorney for each.

18 I want to make one change. I misread one  
19 line here on the back page, four lines, for some  
20 reason I read that as "Even if we did it, we got  
21 off." But I think that says, Even though we did it,  
22 we got off."

23 I don't think that portion should have a  
24 limiting instruction, so you might break that down,  
25 Mr. Castellano, because I think you get a limiting

1 instruction for the first three lines, then no  
2 limiting instruction on that sentence, and then  
3 limiting instructions on "Until we get down to 18  
4 months left." So you have to break out that. Do  
5 you see what I'm saying? I just misread that. For  
6 some reason it clicked in my head that it said,  
7 "Even if we did it." It says, "Even though."  
8 Everybody got that change?

9 All right. Anything we need to discuss  
10 before we bring the jury in, Mr. Castellano?

11 MR. CASTELLANO: No, Your Honor.

12 THE COURT: Anything from any of the  
13 defendants?

14 MS. HARBOUR-VALDEZ: Your Honor, I have  
15 been in contact with Ms. Bevel regarding the motions  
16 to quash. I think we've got it worked out, but  
17 she's going to get with me on the next break.

18 THE COURT: All right. Sounds good. All  
19 rise.

20 (The jury entered the courtroom.)

21 THE COURT: All right. Everyone be  
22 seated.

23 All right. Mr. Cordova, I'll remind you  
24 that you're still under oath.

25 THE WITNESS: Yes, Your Honor.

1 THE COURT: Mr. Castellano, if you wish to  
2 continue your direct examination of Mr. Cordova, you  
3 may do so at this time.

4 MR. CASTELLANO: Thank you, Your Honor.

5 THE COURT: Mr. Castellano.

6 BY MR. CASTELLANO:

7 Q. Mr. Cordova, regarding this conversation  
8 with Andrew Gallegos, in which facility were you?

9 A. Central New Mexico Correctional Facility,  
10 Los Lunas.

11 Q. I'm going to show you two exhibits side by  
12 side. The first is Exhibit 789, and the next is  
13 Exhibit 540. Okay. Do you see on the left location  
14 history for Andrew Robert Gallegos?

15 A. Yes.

16 Q. Do you see on the right side of this  
17 screen of Exhibit 789 Billy Cordova?

18 A. Yes, sir.

19 Q. And what time period was this?

20 A. It was in 2015.

21 Q. Let me show you on the left-hand side I've  
22 marked a series of dates in 2015, and do you see  
23 next to those dates there is a letter C for Central?

24 A. Yes, sir.

25 Q. Okay. I've marked two areas on each of

1 these during the time period of approximately May to  
2 July of 2015. Do you see those time periods,  
3 Mr. Cordova?

4 A. Yes, sir.

5 Q. At one point I'm looking at June 18, 2015,  
6 if I get this right. Central 1-B, B-107?

7 A. Yes, sir.

8 Q. And unit 1-B, B-116. Hopefully I've got  
9 those right. Do you recall if you were in the same  
10 housing unit, or just in the same facility?

11 A. I was in the same pod with him.

12 Q. And where did these conversations take  
13 place?

14 A. In the yard.

15 Q. I want to ask you about a statement he  
16 made. Do you recall if he told you that they sell  
17 for us or not at all in Valencia or Socorro?

18 A. Yes.

19 Q. And when he referred to "sell," was he  
20 talking about drugs or something else?

21 A. Drugs.

22 Q. Now, at this point were you pending your  
23 murder trial at that point?

24 A. Yes, sir.

25 Q. And do you recall if Mr. Gallegos, Andrew



1 Gallegos, told you, "Don't plead out; fight it.  
2 Look at us. We got charged for Adrian Burns and  
3 were released a few months later."

4 A. Yes, sir.

5 THE COURT: All right. And on this, this  
6 is a statement that you can only use in your  
7 deliberations of the charges against Mr. Andrew  
8 Gallegos. You cannot use that information in your  
9 deliberations as to any of the other gentlemen.

10 All right, Mr. Castellano.

11 Q. Do you also recall Mr. Gallegos stating,  
12 "Even though we did it, we got off"?

13 A. Yes, sir.

14 Q. "And all hearsay. Some people say  
15 bulldogging for dope. Some people say we owed him  
16 money. It's all good."

17 A. Yes, sir.

18 THE COURT: That statement -- those  
19 statements you can only use against Mr. Andrew  
20 Gallegos. You cannot use those against any of the  
21 other gentlemen.

22 Mr. Castellano.

23 MR. CASTELLANO: And Your Honor, point of  
24 clarification. Is that to be used against both  
25 Andrew Gallegos and Joe Gallegos? Or just Andrew

1 Gallegos?

2 THE COURT: Just Mr. Andrew Gallegos. It  
3 can't be used against any of the other gentlemen.

4 BY MR. CASTELLANO:

5 Q. Did Andrew Gallegos also tell you, "They  
6 shot him, bound him, and burned him up"?

7 A. Yes, sir.

8 Q. And when he used the word "they," who did  
9 you understand him to refer that to?

10 A. Him and Joe Gallegos, his brother.

11 Q. Did you understand it to be Joe Gallegos  
12 from the conversations you guys had?

13 A. Yes, sir.

14 Q. Did Andrew Gallegos also say "They,"  
15 referring to law enforcement, "found him bound up in  
16 the trunk of a car, burned up in the bosque"?

17 A. Yes, sir.

18 Q. "And they didn't have no evidence"?

19 A. Yes, sir.

20 THE COURT: Those two statements that  
21 Mr. Cordova just testified to you can only use in  
22 your deliberations of the charges against Mr. Andrew  
23 Gallegos. You cannot use those against any of the  
24 other gentlemen in the courtroom.

25 All right, Mr. Castellano.

1 Q. Did he also say, "They didn't have no  
2 evidence"?

3 A. Yes, sir.

4 THE COURT: And again, that statement can  
5 only be used against Mr. Andrew Gallegos. It cannot  
6 be used against any of the other gentlemen.

7 Q. And do you recall if Andrew Gallegos also  
8 stated that "They walked, nobody ratted, stick  
9 together"?

10 THE COURT: Why don't you break those out.  
11 Just ask him about the statement "They walked."

12 Q. Do you recall if Mr. Gallegos stated that  
13 they walked?

14 A. They stated that they walked because all  
15 of them stayed solid. Nobody told on each other.  
16 So without any evidence, without any witnesses, what  
17 he was stating to is murder is the hardest crime  
18 they can convict on, as long as no one talks, no one  
19 rats.

20 THE COURT: Well, the statement that "they  
21 walked." Let's stop there. And why don't you then  
22 ask him another question, Mr. Castellano?

23 Q. Do you recall him also stating that,  
24 "Nobody ratted, stick together"?

25 A. Yes, nobody ratted, and that's why they

1 beat it a few months later after they were charged  
2 with it.

3 MR. ROBERTS: Objection, Your Honor,  
4 nonresponsive.

5 THE COURT: Overrule the objection. But  
6 the statement, "Nobody ratted, stick together," you  
7 can only use that in your deliberation of the  
8 charges against Mr. Andrew Gallegos. You cannot use  
9 that against any of the other the gentlemen.

10 Mr. Castellano.

11 BY MR. CASTELLANO:

12 Q. And at this point, were you pending a  
13 murder charge with someone else?

14 A. Yes, sir.

15 Q. Who was the other person?

16 A. My nephew.

17 Q. So in relation to your case, did Andrew  
18 Gallegos tell you if there was more evidence on you  
19 to take the plea and let the nephew off, referring  
20 to your nephew, or vice versa?

21 A. Yes.

22 THE COURT: That statement can only be  
23 used in your charges against Mr. Andrew Gallegos.  
24 That cannot be used against any of the other  
25 gentlemen.

1 Q. And did Mr. Gallegos also tell you that  
2 the person that's let off would give the other  
3 esquina?

4 A. Yes, sir.

5 Q. So if one person has the charges dismissed  
6 or the case goes away, what does it refer to, to  
7 give someone esquina?

8 A. In other words, as long as he gets out  
9 there and he's productive for me, does whatever I  
10 tell him needs to be done on the inside, takes care  
11 of it, that will be the arrangement. I'll take the  
12 hit, but when you get out, you take care of whatever  
13 I need you to take care of.

14 THE COURT: And the statement that he  
15 attributed to Mr. Gallegos in the answer before can  
16 only be used against Andrew Gallegos. That cannot  
17 be used against any of the other gentlemen.

18 Mr. Castellano.

19 Q. During that time period, did the -- how  
20 was the phone system working at the facility in  
21 terms of how much use time you had?

22 A. Well, I was under Interim Level 6 due to a  
23 murder investigation that occurred in Las Cruces,  
24 New Mexico, in that prison. So all of us that are  
25 under the criminal investigation were housed in

1 Interim Level 6 at that time, because they had a  
2 conflict within the organization. So we were only  
3 allowed four phone calls a month.

4 Q. And was Andrew Gallegos allowed more phone  
5 calls than you were?

6 A. Yes, because he wasn't Interim Level 6.  
7 He was going to be transferred to a facility at  
8 Level 4 to Las Cruces, New Mexico.

9 Q. As a result of you only having a few phone  
10 calls a month, did Andrew Gallegos help you with  
11 your phone calls in some way?

12 A. Yes, he gave me his PIN number so I could  
13 use it and I could call my people on the streets.

14 Q. And did that give you more access to phone  
15 calls than what you had?

16 A. Yes, because on my PIN number, after four  
17 phone calls, my PIN number shuts off for the month.  
18 But his was unlimited, because he was pending  
19 transport to a Level 4. So I got to use as much as  
20 I wanted with his PIN number.

21 Q. And did you actually make phone calls  
22 using his account?

23 A. Yes, sir.

24 Q. And were you aware at that time that Joe  
25 Gallegos, Andrew Gallegos, and Frankie Gallegos were

1 SNM Gang members?

2 A. Yes, sir.

3 Q. What did Andrew Gallegos say about East  
4 Siders respecting them?

5 A. Most of the influential members of the  
6 East Side Gang -- that's where he's from -- are from  
7 the SNM, so they have big influence within that  
8 street gang and they have them pretty much tied down  
9 under their wing.

10 Q. What did he say about East Siders  
11 respecting -- well, acknowledging that they're all  
12 from the onda?

13 A. It means that they pay tribute or they do  
14 whatever those brothers from the SNM that are East  
15 Siders tell them to do.

16 THE COURT: And those two statements that  
17 Mr. Cordova just attributed to Mr. Andrew Gallegos  
18 in his last two answers, those can only be used in  
19 your deliberation of the charges against Mr. Andrew  
20 Gallegos. That cannot be used against any of the  
21 other gentlemen.

22 Are you about to wrap up, Mr. Castellano?

23 MR. CASTELLANO: I am, Your Honor.

24 BY MR. CASTELLANO:

25 Q. Mr. Cordova, were you ever charged in this

1 case?

2 A. No.

3 Q. As a result of not being charged, did you  
4 ever get discovery on a tablet in this case?

5 A. No, sir.

6 MR. CASTELLANO: I pass the witness, Your  
7 Honor.

8 THE COURT: Thank you, Mr. Castellano.

9 Mr. Blackburn, do you want to go first?

10 Mr. Blackburn.

11 CROSS-EXAMINATION

12 BY MR. BLACKBURN:

13 Q. Mr. Cordova, you indicated that you  
14 basically were an SNM member when you were the age  
15 of eight?

16 A. No, sir.

17 Q. When did you first join a gang?

18 A. At the age of eight.

19 Q. All right. When was the first time that  
20 you actually went to the Penitentiary of New Mexico?

21 A. 2003.

22 Q. And how old were you at that time?

23 A. 19.

24 Q. And did you become an SNM member then?

25 A. I became an SNM member in BCDL County,



1 right before I went to prison.

2 Q. Okay. And what year was that?

3 A. 2003.

4 Q. All right. So you have put a lot of work  
5 in in support of the gang, have you not?

6 A. Yes, sir.

7 Q. That included assaulting people, stabbing  
8 people, trying to kill people, water-boarding  
9 people; right?

10 A. Yes, sir.

11 Q. Because you even did some water-boarding;  
12 is that right?

13 A. Yes, sir.

14 Q. Can you tell us what water-boarding is?

15 A. Water-boarding is used when, say, we  
16 commit a home invasion on other drug dealers that  
17 don't want to pay tribute to the SNM. We tie them  
18 down to a chair, we get a towel, we wet it, put it  
19 around their face, and we run water down their face.  
20 And what it does, it drowns them to the point to  
21 where it causes severe pain to their lungs, when  
22 they feel like they can't breathe, but it doesn't  
23 kill them. And we control the situation where we  
24 can pull it off and put it back on.

25 Q. And you did that to a number of people,

1 did you not?

2 A. Yes, sir.

3 Q. So right now you are serving a sentence  
4 until when?

5 A. Till 2021 in May.

6 Q. I'm sorry, 2021 of what?

7 A. Of May.

8 Q. So your last conviction -- the conviction  
9 that you're serving the time on is the charge that  
10 you went on trial for first-degree murder back in  
11 2015, 2016, for which you were found guilty of  
12 manslaughter; is that correct?

13 A. Yes, sir.

14 Q. Okay. And what type of -- how many years  
15 did you receive on that particular sentence?

16 A. Seven years, sir.

17 Q. So seven years for murder. So basically  
18 that's how you get to the point where you're going  
19 to get out in a few years; right?

20 A. Yes, sir.

21 Q. All right. Again, what -- May of what?

22 A. May of 2021, I believe.

23 Q. So you've only got about three years to  
24 go; right?

25 A. Yes, sir.

1 Q. So when you are involved in issues that  
2 relate to gang-related matters at the Penitentiary,  
3 whether it's with another SNM member or whether it's  
4 with a rival gang member, an LC or something like  
5 that, and the institutional guards or somebody catch  
6 you in that act, they put both of you in protective  
7 custody, do they not?

8 A. I don't understand the question.

9 Q. So whenever the guards catch you, if a  
10 guard at a penitentiary actually catches you or sees  
11 you doing something to another inmate, after they  
12 break up the fight or if they do do that, or  
13 stabbing or whatever, they put you in lockdown, do  
14 they not?

15 A. Yes, but that's not protective custody.

16 Q. They put you in lockdown; right?

17 A. Yes, sir.

18 Q. They separate both of you and they put  
19 both of you in a lockdown situation; right? I'm  
20 sorry. It's not protective custody, but it's a  
21 disciplinary custody.

22 A. Yes.

23 Q. And you stay in there for a considerable  
24 period of time, do you not?

25 A. Yes, sir.

1 Q. And they write up reports on you, on both  
2 of you, or three of you or four of you, and they  
3 separate you and they keep you there until some type  
4 of disciplinary action is resolved; is that correct?

5 A. Yes, sir.

6 Q. And you have the opportunity to fight that  
7 or not fight it or whatever, and take your  
8 discipline under those circumstances, and then at  
9 some point in time you may be able to get out of  
10 that disciplinary segregation; is that right?

11 A. Yes, sir.

12 Q. All right. And the other person that  
13 you're involved with, they do the same thing to  
14 them; right?

15 A. Yes, sir.

16 Q. All right. And so you indicated that when  
17 you were going back and forth from this trial in  
18 December of 2015, when you were being housed,  
19 pending that trial, you came back one night and you  
20 saw a lot of other SNM members arrested and being  
21 taken to jail; is that correct?

22 A. Yes, sir.

23 Q. That was in, like, December of 2015;  
24 right?

25 A. Yes, sir.

1 Q. And you know that a lot of those  
2 individuals had been charged with a crime; right?

3 A. Yes, sir.

4 Q. They were charged in either a RICO  
5 conspiracy or racketeering conspiracy as it relates  
6 to being a member of SNM and doing acts in  
7 furtherance of the conspiracy; is that correct?

8 A. Yes, sir.

9 Q. The same thing that you did; right?

10 A. Yes, sir.

11 Q. All right. Now, all of these individuals  
12 have been charged, and we've looked at plea  
13 agreements on other individuals, but I did not see  
14 the Government enter a plea agreement on you today,  
15 did I?

16 A. No, sir.

17 Q. Did I miss something?

18 A. No, sir.

19 Q. I didn't miss something because there is  
20 no plea agreement; right?

21 A. No, sir.

22 Q. And that's why you're going to be able to  
23 get out in about three years and go free; right?

24 A. Yes.

25 Q. You'll be back on the streets; right?

1 A. Yes, sir.

2 Q. Going back to Albuquerque, right?

3 A. No, sir.

4 Q. You're not going back to Albuquerque?

5 A. No, sir.

6 Q. Going somewhere else, but you're going to  
7 be back on the streets; right?

8 A. Yes, sir.

9 Q. And you did drugs about, what, a few  
10 months ago because you couldn't handle the stress of  
11 this trial?

12 A. Not only the trial, but on top of many  
13 things.

14 Q. So there was no plea agreement because you  
15 agreed to continue to help the Government as it  
16 relates to these cases; right?

17 A. Yes, sir.

18 Q. You agreed to cooperate and testify when  
19 called upon; right?

20 A. Yes, sir.

21 Q. They gave you what was called a Kastigar  
22 letter, so you and your attorney could come in,  
23 talk, and you know that anything that you would say  
24 to them would be like what we call King or Queen for  
25 a Day, whatever you tell them will never be used

1 against you; right?

2 A. I don't know about that, but it won't be  
3 used against me.

4 Q. So long as you testify and as long as you  
5 do what the Government requests under the  
6 circumstances, you don't have to come in front of  
7 this judge or any other judge to be free from these  
8 charges, do you?

9 A. No, sir.

10 Q. And you fully expect under the  
11 circumstances that when all of this is done, you'll  
12 be free and you'll be able to leave in May of 2021,  
13 if not sooner; correct?

14 A. Yes.

15 Q. Because you can earn good time can you  
16 not?

17 A. Yes.

18 Q. Because you're serving a state sentence.  
19 You're not serving a federal sentence. And so  
20 you're entitled still to get good time, are you not?

21 A. Yes, sir.

22 Q. So there is nothing to worry about going  
23 in front of this judge or any other judge to be  
24 sentenced; right?

25 A. No, sir.

1 Q. Because there is no sentence?

2 A. No, sir.

3 Q. There is no plea agreement?

4 A. No, sir.

5 Q. Despite everything you did on behalf of  
6 the gang since you came in in the 1990s, you walk  
7 free from all of those charges, do you not?

8 A. Yes, sir.

9 Q. And you intend to get out earlier than May  
10 of 2021, do you not?

11 A. Yes, sir.

12 Q. And part of that is -- one of the things  
13 you agreed to do is, you agreed to basically tape  
14 record individuals while you were in custody, did  
15 you not?

16 A. Yes, sir.

17 Q. You were given a little recorder by the  
18 FBI and you were told to go into these particular  
19 cells -- let me back up. You didn't have no say-so  
20 where they put you. They put you into a cell, did  
21 they not?

22 A. Yes, sir.

23 Q. And the FBI, Mr. Acee and others, gave you  
24 a little recorder so you could go in and record what  
25 conversations were amongst inmates; right?



1 A. Yes, sir.

2 Q. And no one knew you were doing that, did  
3 they?

4 A. No, sir.

5 Q. And you would put the recorder up to a  
6 vent so that you could listen so you could record  
7 what was going on; right?

8 A. Yes, sir.

9 Q. Any statements that you would have with  
10 the individuals in the other cells; right?

11 A. Yes.

12 Q. Now, that didn't involve anybody that's  
13 sitting here in this particular case, did it?

14 A. No, sir.

15 Q. It involved other individuals; right?

16 A. Yes, sir.

17 Q. And you testified against those  
18 individuals, did you not?

19 A. Yes, sir.

20 Q. And in fact, it was so secretive of what  
21 you were doing with the Government that the guards  
22 at the prison did not even know that you were  
23 cooperating with the Government; isn't that true?

24 A. Yes.

25 Q. So even though we have this STIU unit --

1 you know who they are; right?

2 A. Yes, sir.

3 Q. They're sort of like the cops of the  
4 prison; right?

5 A. Yes, sir.

6 Q. Sort of like the gang cops of the prison;  
7 right?

8 A. Yes, sir.

9 Q. Because they have -- they just deal with  
10 the gangs within the prison, do they not?

11 A. Yes, sir.

12 Q. All gangs, not just the SNM; right?

13 A. Yes, sir.

14 Q. And they were aware of the fact that you  
15 had this recording device but not the regular COs  
16 that come around; is that correct?

17 A. To my knowledge, yes.

18 Q. And under the circumstances, they would  
19 have to go in every once in a while, the STIU guys,  
20 and they would have to do, like, a fake shakedown of  
21 your cell so that they could replace the battery in  
22 that recording device; right?

23 A. No, sir.

24 Q. They never did that?

25 A. No, sir.

1 Q. Would they give you a new recording  
2 device?

3 A. Yes, sir.

4 Q. So they would take out the old recording  
5 device, take that and then you would get another  
6 one; right?

7 A. Yes, sir.

8 Q. So as a result of all of that, that's why,  
9 under the circumstances and you testifying, you  
10 believe that you may be out maybe as soon as this  
11 trial is over; right?

12 A. No, sir.

13 Q. There is nothing to keep them -- well,  
14 there is nothing to keep them from going to the  
15 State and asking that you get lump sum credit for  
16 good time, is there?

17 A. We never discussed that, sir.

18 Q. But that's a possibility; right?

19 A. I don't know.

20 Q. You know that that's happened to other  
21 individuals where they get credit for lump sum  
22 service; right?

23 A. I don't know.

24 Q. Well, even under the circumstances at  
25 least for all the things that you do, you will be

1 back on the streets sometime around May of 2021?

2 A. Yes, sir.

3 Q. Three years from now?

4 A. Yes, sir.

5 Q. Now, you know that there were issues going  
6 on between -- as you testified, between Styx and  
7 Julian Romero; right?

8 A. Yes, sir.

9 Q. And you took the side that related to  
10 Gerald Archuleta or Styx; right?

11 A. I got a huila. The person that sponsored  
12 me told me, "This is what you need to do."

13 I was close with Billy Garcia and his  
14 family. Billy Garcia was a shot-caller at the time  
15 of the SNM, so I went to confide in him and see  
16 what's going on with him.

17 Q. But eventually, despite what you did  
18 before, eventually you took the side of Gerald  
19 Archuleta; isn't that right?

20 A. I never took a side.

21 Q. Never took a side. But you knew what was  
22 going on between those two factions; right?

23 A. Yes, sir.

24 Q. And you knew that Gerald Archuleta was out  
25 there calling hits quicker than going to McDonald's

1 on a Sunday morning to get coffee; right?

2 A. I know he was a big influence in the  
3 organization.

4 Q. And he did a lot of hits; right?

5 A. I don't know.

6 Q. I thought you knew everything that was  
7 going on there.

8 A. I don't know what was going on with him  
9 while he was in the streets.

10 Q. What about while he was in custody?

11 A. While he was in custody, he held a lot of  
12 weight.

13 Q. And he gave a lot of hits. You know he  
14 put a hit on the Rascons, did you not?

15 A. Yes, I knew about that.

16 Q. And you also know that he had put a hit  
17 out on Fred Sanchez; isn't that correct?

18 A. I know it came from the tabla, but I don't  
19 know if it came directly from him.

20 Q. But you knew he was part of the tabla;  
21 right?

22 A. No. At that time it was Arturo Garcia  
23 that had stepped up, because Styx had stepped out to  
24 the streets.

25 Q. But the hit had been put on him for quite

1 some time; isn't that true?

2 A. To my knowledge. I don't know how long it  
3 was on him.

4 Q. You mentioned before that the tabla at the  
5 time involved Baby Rob, Robert Martinez; right.

6 A. Yes.

7 Q. He was one of them? Juan Mendez; right?

8 A. Yes, sir.

9 Q. Oso? So what was Oso's name?

10 A. Michael Zamora.

11 Q. Michael Zamora; right?

12 A. Yes.

13 Q. Mr. Garcia. And also Gerald Archuleta;  
14 right?

15 A. Yes, sir.

16 Q. Those were part of the tabla; right?

17 A. Yes, sir.

18 Q. Now, as it relates to that situation, as  
19 it relates to about maybe, I think you said, maybe  
20 up to a week or two before the matter occurred with  
21 Mr. Sanchez down in Los Lunas, you had a  
22 conversation, as you told Mr. Castellano, with  
23 Cheech or with Mr. Martinez; right?

24 A. That was a little before that. I'd say  
25 when he got down in Las Cruces, he got murdered

1 within a week.

2 Q. Okay. But you tried to kill him also, did  
3 you not?

4 A. Yes, sir.

5 Q. And how long was that before he went to  
6 Las Cruces?

7 A. Maybe about a month and a half, two  
8 months.

9 Q. So the situation, as I understand what you  
10 testified to, was that Cheech had paperwork on Fred  
11 Dawg and he showed you the paperwork, did he not?

12 A. Yes, sir.

13 Q. And that involved a burglary or something  
14 that had to do in Roswell; is that correct?

15 A. Yes, sir.

16 Q. And he had given information about another  
17 individual, had he not?

18 A. Yes, sir.

19 Q. Another individual that was involved in  
20 his particular gang, the Roswell gang; right?

21 A. He was not from the Roswell gang.

22 Q. Who isn't?

23 A. Fred Sanchez.

24 Q. What gang was he from in Roswell?

25 A. I do not know.

1 Q. Was he from Roswell?

2 A. Yes, sir.

3 Q. You knew that he had given information on  
4 another gentleman, an SNM gentleman from Roswell,  
5 did you not?

6 A. I don't know about all that.

7 Q. Albert Cardones? Do you know him?

8 A. Yes, I know who he is.

9 Q. Is he from Roswell?

10 A. Yes, sir.

11 Q. But anyway, under the circumstances,  
12 Cheech showed you that paperwork and told you that  
13 that vato is no good; right?

14 A. Yes, sir.

15 Q. So you knew at that point in time that  
16 that meant to you that you needed to place a hit on  
17 Fred Dawg himself; right?

18 A. Yes, sir.

19 Q. And you knew Fred Dawg; right?

20 A. Yes, sir.

21 Q. So you went ahead and I think, as you  
22 testified before, that you went out to the yard  
23 because you already had a shank; right?

24 A. Yes, sir.

25 Q. And you slipped your cuffs, pulled out the



1 shank, and attempted to hit him; right?

2 A. Yes, sir.

3 Q. But you were unsuccessful; right?

4 A. Yes, sir.

5 Q. How many times did you stab him?

6 A. Never stabbed him.

7 Q. Never got close to him?

8 A. Never got close to him.

9 Q. How close did you get to him?

10 A. About 15 feet.

11 Q. And before that, the guards took you down  
12 and took you away before you had the opportunity to  
13 do that; right?

14 A. Yes, sir.

15 Q. But there was no question that Mr. Sanchez  
16 knew exactly what was going on; right?

17 A. Yes, sir.

18 Q. And now -- so you were an SNM member at  
19 the time. Fred Sanchez was a SNM member at the  
20 time, was he not?

21 A. Yes, sir.

22 Q. It's not like prison guards don't know or  
23 the institution doesn't know that if two people are  
24 fighting amongst each other, there must be some  
25 situation out there; right? It's not like that's a

1 secret. They do know what your rules are, do they  
2 not?

3 A. I don't know.

4 Q. Don't they validate everybody? You've  
5 seen all these pen packs and stuff. You know what a  
6 pen pack is; right?

7 A. They validate us because we do violent  
8 acts, murders and stuff.

9 Q. But they validate you and they also know  
10 what the rules are as it relates to the rules of the  
11 gangs about cooperating with law enforcement.  
12 That's not a secret at the penitentiary with the  
13 STIU, is it?

14 A. Cooperating with law enforcement?

15 Q. Sure.

16 A. Of course they cooperate with law  
17 enforcement. But as far as our organization rules,  
18 I don't know if they knew all that.

19 Q. All right. But you know, after all of  
20 this happened with you and Fred Sanchez, they took  
21 Fred Sanchez down to Southern New Mexico, and they  
22 put him in a pod that was an all-SNM pod; right?

23 A. Yes, sir.

24 Q. Knowing that he was an SNM member;  
25 correct?

1 A. Yes, sir.

2 Q. Knowing that this situation had happened  
3 with you a few weeks earlier; right?

4 A. Yes, sir.

5 Q. And put him in there; right?

6 A. Yes, sir.

7 Q. You received some money in this case; is  
8 that correct?

9 A. Yes, sir.

10 Q. How much is it; do you recall?

11 A. Like \$900-some.

12 Q. What was the purpose of that money? For  
13 you to make extra phone calls or something?

14 A. Living expenses.

15 Q. Living expenses, being able to have  
16 different commissary, things like that; right?

17 A. Yes, sir.

18 Q. And now, you were not indicted in this  
19 particular case.

20 A. No, sir.

21 Q. You obviously were never provided with a  
22 tablet in this case, were you?

23 A. No, sir.

24 Q. But you were still given certain perks,  
25 were you not, as it relates to your cooperation with

1 the Government; right?

2 A. What kind of perks?

3 Q. You got money?

4 A. Yes.

5 Q. You got extra tier time?

6 A. No. You walk away from the organization,  
7 and when you walk away from the organization and you  
8 debrief, then they allow you to work your way down  
9 to an RPP Program, and at that time that's what I  
10 was doing.

11 Q. But you were with a bunch of these guys,  
12 were you not, that were cooperating?

13 A. Yes. Some of them were RPP before.

14 Q. But you guys were all up at the  
15 Penitentiary of New Mexico. You were all together  
16 at one point in time, were you not?

17 A. Yes, sir.

18 Q. Jerry Armenta was with you?

19 A. Yes, sir.

20 Q. Who else was with you?

21 A. A number of them. At that time I was only  
22 me.

23 Q. That's when they gave you the opportunity  
24 to have a contact visit with your wife; right?

25 A. At the facility, yes.

1 Q. And the contact visit that they gave you  
2 allowed your wife and your children to come in so  
3 that you could have visits; right?

4 A. Yes, sir.

5 Q. And you took advantage of that, did you  
6 not?

7 A. Yes, sir.

8 Q. And you knew that was against the rules;  
9 right?

10 A. Yes, sir.

11 Q. And you had sex with your wife while your  
12 children was sitting in that room, did you not?

13 A. Yes, sir.

14 Q. And that didn't happen on one occasion;  
15 that happened on several occasions, did it not?

16 A. Yes.

17 Q. Four or five; right?

18 A. Yes, sir.

19 Q. You've seen the tape, haven't you?

20 A. Yes, sir.

21 Q. All right. And still, yet, your ability  
22 by the Government to get out in May of 2021 still  
23 exists; right?

24 A. Yes.

25 Q. You didn't face any disciplinary for that?

1 A. Yes, sir.

2 Q. You didn't face -- the Government didn't  
3 decide -- the only thing the Government did was they  
4 no longer have given you any money; right?

5 A. I did six months in the hole and a year  
6 loss of all privileges. That was the disciplinary  
7 action I received from the facility.

8 Q. For having sexual intercourse, you knew  
9 that that was against the rules; right?

10 A. Yes, sir.

11 Q. Just like you knew taking drugs is against  
12 the rules; right?

13 A. Yes, sir.

14 Q. But you still went ahead and violated the  
15 rule because the opportunity was there; right?

16 A. Yes, sir.

17 Q. Just like the opportunities that are going  
18 to exist whenever you get out in May of 2021, if not  
19 sooner; right?

20 A. Those are different opportunities.

21 MR. BLACKBURN: Thank you. Pass the  
22 witness, Your Honor.

23 THE COURT: Thank you, Mr. Blackburn.

24 Mr. Burke, do you want to go next?

25 MR. BURKE: Yes, thank you, Your Honor.

1 MR. SINDEL: No, no, no.

2 THE COURT: Am I going to have to rule?

3 MR. BURKE: I had a better angle to the  
4 podium, Your Honor.

5 CROSS-EXAMINATION

6 BY MR. BURKE:

7 Q. Mr. Cordova, my client, Edward Troup, you  
8 say was talking to you. I believe you say you were  
9 at Southern in the yellow pod; is that correct?

10 A. Yes, sir.

11 Q. I wonder if we could have -- I think it's  
12 281. And Mr. Troup came up and talked to you; is  
13 that correct? Or you talked to him; is that  
14 correct?

15 A. Vice versa.

16 Q. And you had known him before?

17 A. Through reputation, yes, sir.

18 Q. Had you done time with him before?

19 A. No, sir.

20 Q. And so even by reputation, you knew that  
21 he had a dirty UA and he was on parole, and that's  
22 why he was down with you; right?

23 A. He told me what had happened. I don't  
24 know if it was a dirty urine or not. I just knew he  
25 was back on a parole violation.

1 Q. It was a parole violation. And he was  
2 anxious to get out and get back to work and get back  
3 with his family; right? He told you all that?

4 A. I don't know. He didn't talk about his  
5 family.

6 Q. He didn't talk about his family, and he  
7 didn't talk about his job? He just went straight to  
8 talk about other criminal activities? That's what  
9 you're telling the jury?

10 A. What we talk about in there is mostly  
11 prison stuff.

12 Q. Yeah, okay. When was the first time that  
13 you met with Bryan Acee?

14 A. In January, I believe.

15 Q. Of what year?

16 A. 2016.

17 Q. 2016, okay?

18 A. Yes, sir.

19 Q. And since 2016, do you know how many  
20 statements you've given?

21 A. Probably a lot.

22 Q. Yeah, maybe five. Let's just say five.  
23 Does that sound right?

24 A. I don't know.

25 Q. To the FBI and the New Mexico Corrections



1 Department investigators and so forth. And then I  
2 do need to follow up a little bit. Even though the  
3 New Mexico Corrections Department knew there was a  
4 hit on Mr. Sanchez, they sent him to an SNM pod?

5 A. I don't know if they knew there was a hit  
6 on him.

7 Q. How close did you get? 15 feet?

8 A. Yes.

9 Q. Did they not investigate what that was all  
10 about?

11 A. At that time I was suspected and wasn't  
12 validated until '09.

13 Q. Say that again.

14 A. I wasn't validated until 2009, till about  
15 two years later.

16 Q. Two years later?

17 A. That's when I was suspected.

18 Q. Once again, will you tell us also about  
19 the paperwork? There was an informant incident  
20 involving Fred Sanchez and Mr. Cardone; is that  
21 right? You saw it; right?

22 A. I don't know if it was Mr. Cardone. I  
23 can't recall the exact name. But I know the police  
24 officers that pulled him over brought him in for  
25 investigation and he gave them some names.

1 Q. Do you remember the names or what type of  
2 incident or what city it was?

3 A. I remember it was Roswell, but I don't  
4 remember --

5 Q. Roswell Police Department?

6 A. Yes, sir.

7 Q. Okay. And you mentioned that you were  
8 with Jerry Armenta. Please tell us the rest of the  
9 informants that you have been with for the last two  
10 years.

11 A. I came across a few. I really don't talk  
12 to them.

13 Q. Do they have names?

14 A. Yes.

15 Q. Would you give us those names, please?

16 A. Gerald Archuleta. Benjamin Clark.  
17 Mauricio. Let me see. Jo Jo Quintana. People like  
18 that.

19 Q. People who did have access to the tablets;  
20 right?

21 A. I don't know.

22 Q. You never talked about the cases or  
23 anything? You didn't compare notes about who was  
24 saying what?

25 A. You don't want to compare notes in a

1 situation like that.

2 Q. Some people don't. So now I do want to  
3 ask you about the statements, that chronologically  
4 the first statement you made was that you attribute  
5 to Mr. Troup, "When I did the veija in 2001, that  
6 vato was a challenge. I had to tell the brother,  
7 'Grab his feet for Fred Dawg.' He wasn't a  
8 challenge."

9 Do you remember that?

10 A. Yes, sir.

11 Q. So in 2001, what Edward Troup did was, he  
12 went in the cell and he had the upper torso of  
13 someone; is that right?

14 A. I don't know.

15 Q. Well, you said that "I had to tell the  
16 brother to grab his feet." So where was Mr. Troup?

17 A. I don't know. I think those were just  
18 comments he made.

19 Q. Yeah, but he was in the cell, and  
20 instructing somebody else to grab his feet. That's  
21 what you said; right?

22 A. More than likely, yes.

23 Q. More than likely?

24 A. Well, those were the comments he made  
25 about the things he did within the organization.

1 Q. All right. So he's in the cell  
2 struggling, and who was it? Did he tell you who it  
3 was?

4 A. No, sir. He just said that Pancho and  
5 Looney viaje.

6 Q. And he's in the cell struggling with  
7 Pancho; right?

8 A. Yes, sir. I don't know who it was. I  
9 know it was Pancho or Looney.

10 Q. Or Garza? You don't know? He didn't tell  
11 you?

12 A. No, he didn't.

13 Q. But he was in the cell, struggling away.  
14 All right.

15 Can we see that exhibit again? All right.  
16 You were in the yellow pod in 2014; is that correct?

17 A. Yes, sir.

18 Q. And Earn Dog was in the green pod; is that  
19 correct?

20 A. Earn Dog was in green pod.

21 Q. Yeah, you said Troup also stated, "Ernest  
22 Guerrero, a/k/a Earn Dog, kept going to the door and  
23 pushed the issue when the Rascon brothers took too  
24 long. Guerrero was housed in the green pod from  
25 2007." Do you understand?

1 A. Yes, I understand.

2 Q. That is what you attribute that statement  
3 to?

4 A. No, I said he was in the pod next to him  
5 pushing the issue through the door.

6 Q. Okay. You actually -- may I approach so  
7 you can see that I'm not kidding you? You said  
8 Guerrero was housed in green pod.

9 MR. CASTELLANO: Objection, Your Honor.  
10 He doesn't need his memory refreshed at this point.  
11 He hasn't said he doesn't recall.

12 MR. BURKE: He said he was in the next pod  
13 and there is a specific color he attributed it.

14 THE COURT: Ask him first. He's not yet  
15 at the point of refreshing, so I'll sustain the  
16 objection.

17 MR. BURKE: Thank you, Your Honor.

18 BY MR. BURKE:

19 Q. Do you remember Mr. Troup supposedly  
20 saying Guerrero was housed in green pod?

21 A. He didn't supposedly say anything about  
22 green pod. He said Earn Dog kept on coming to the  
23 door, and he was saying that Earn Dog kept on coming  
24 to the door and pushing the issue that you guys are  
25 taking too long in there, why ain't the Rascon

1 brothers --

2 Q. May I show you what the FBI says?

3 MR. CASTELLANO: Your Honor, I think it's  
4 still inappropriate.

5 THE COURT: I think it's sufficient now.  
6 Overruled.

7 A. I see that.

8 BY MR. BURKE:

9 Q. You said that my client said Guerrero was  
10 in the green pod; right?

11 A. No.

12 Q. The FBI made a mistake?

13 A. Maybe.

14 Q. All right. Thank you. Now, you also  
15 attribute to Mr. Troup this statement. "When  
16 Cyclone went to Seg --"

17 MR. CASTELLANO: Objection to hearsay,  
18 Your Honor.

19 THE COURT: Yes, I agree with this.

20 BY MR. BURKE:

21 Q. Do you remember saying that there was a  
22 conversation about Ben Clark?

23 MR. CASTELLANO: Objection as to hearsay.

24 THE COURT: Well --

25 MR. BURKE: This is impeachment, Your

1 Honor.

2 THE COURT: What statement are you trying  
3 to impeach?

4 MR. BURKE: The statement about Cyclone  
5 making an order to Mr. Troup about make sure to  
6 handle it.

7 MR. CASTELLANO: He hasn't asked him the  
8 first question.

9 THE COURT: I don't think you've asked him  
10 yet about that.

11 BY MR. BURKE:

12 Q. Do you remember Mr. Troup supposedly  
13 saying that Ben --

14 MR. CASTELLANO: Objection to hearsay.

15 THE COURT: Well, is this --

16 MR. BURKE: It's an order, and I'm allowed  
17 to impeach him, Your Honor.

18 THE COURT: Let me hear the question and  
19 stick just with the --

20 MR. BURKE: Shall we approach?

21 THE COURT: Just stick with the order  
22 portion for the time being. Don't add too much to  
23 the statement.

24 BY MR. BURKE:

25 Q. Did Ben Clark say, "Make sure you handle

1 it"?

2 A. That's what Troup told me.

3 Q. All right. And you're clear that Ben  
4 Clark told my client to handle it?

5 A. That's what Troup said.

6 Q. Then the other comment that you -- let me  
7 ask you. "Me and the brother handled it." Do you  
8 remember stating that?

9 A. That's what Troup told me.

10 Q. There is no mention of Javier Alonso in  
11 here.

12 A. I understand that.

13 Q. So you're now speculating, sir?

14 A. You could say that.

15 Q. All right. Just adding something while  
16 you're here in front of the jury?

17 A. No, I'm not adding nothing.

18 Q. And then did Mr. Troup tell you, he said,  
19 "For Fred Dawg it wasn't a challenge." What was Mr.  
20 Troup's role. Did he tell you that?

21 A. He didn't give me the specifics. Just  
22 told me.

23 MR. BURKE: All right. That's all I have,  
24 Your Honor.

25 THE COURT: Thank you, Mr. Burke.



1           Anyone else? Mr. Cooper?

2           MR. COOPER: May it please the Court.

3           THE COURT: Mr. Cooper.

4                           CROSS-EXAMINATION

5 BY MR. COOPER:

6           Q. Mr. Cordova, my name is Bob Cooper. I  
7 represent Billy Garcia. I'm going to ask you a few  
8 questions here this afternoon.

9           A. Yes.

10          Q. So you became an SNM member in 2003; is  
11 that correct?

12          A. Yes, sir.

13          Q. Okay. So you were new to the business in  
14 2003?

15          A. Yes, sir.

16          Q. And where were you at that point in time?  
17 What facility?

18          A. BCDC County, downtown, the old BCDC  
19 County.

20          Q. So you came into SNM at BCDC. And how did  
21 you earn your bones to become a member there at that  
22 point?

23          A. While on the streets I had already did a  
24 number of things for the organization. While I was  
25 there in 6 West, we strangled a guy that was named

1 Richard -- what was it -- Richard -- his name was  
2 Big Head. He was an LC member. And we didn't  
3 successfully finish the job because I was new at the  
4 business, but we hurt him really bad. The brother  
5 seen I had a heart.

6 Q. You didn't get prosecuted for that, did  
7 you?

8 A. No.

9 Q. So in 2003 you're a baby member, a  
10 youngster in the SNM?

11 A. Yes, sir.

12 Q. You were also close to the family of Billy  
13 Garcia?

14 A. Yes, sir.

15 Q. At that time?

16 A. Yes, sir.

17 Q. You had a lot of respect for Billy, didn't  
18 you?

19 A. Yes, sir.

20 Q. Billy you know was a shot-caller back in  
21 the day?

22 A. With all respect for him, I still do.

23 Q. And you know that he was a fairly powerful  
24 man in the S at that point in time?

25 A. Yes, sir.

1 Q. And in 2003, correct me if I'm wrong, but  
2 you're 19 years old?

3 A. Yes.

4 Q. So you've been in the S for one year in  
5 2004 and at that point in time Billy Garcia is 50  
6 years old, isn't he?

7 A. I don't know his exact age, but --

8 Q. He's about my age, don't you think? Maybe  
9 a little older?

10 A. He's an older man.

11 Q. But assume for a minute that Billy in 2004  
12 was 50 years old. In 2004 he appeared to be 50  
13 years old, didn't he? He was a viejo?

14 A. He was an older man.

15 Q. Definitely an older man.

16 A. He worked out harder than some of those  
17 youngsters, I'll tell you that.

18 Q. So he was in good shape?

19 A. Well taken care of, worked out every  
20 morning. He even got me on some of the calisthenic  
21 routines with him.

22 Q. You're 20 years old?

23 A. 19, sir.

24 Q. So in 2004, you're 20 and he's 50, and  
25 he's been a member of the S for how long, would you

1 say? 30-some years?

2 A. About that.

3 Q. So are you telling me that you walk up to  
4 this older, well-respected SNM member, Billy Garcia,  
5 in his 50s, you're a 20-year-old punk, and you  
6 confront him and you have this disrespectful  
7 challenge to him and he confesses to you, "Oh, yeah,  
8 I did it with regard to Looney and Garza?" Really?

9 A. Within the organization, we're encouraged  
10 to speak our mind. People that don't are considered  
11 weak links. The SNM don't take victims. We take  
12 people that speak their mind and stand their ground.  
13 And brothers that don't speak their mind on any kind  
14 of situation are considered weak. So if I was  
15 challenging a situation that I was having trouble  
16 on, and I didn't challenge it and made the wrong  
17 decision, that would have been me on the line.

18 Q. But you weren't being challenged on any  
19 decision, were you?

20 A. Yes, I was. I was given a huila to ride  
21 with Styx.

22 Q. You were given a huila to ride with Styx.  
23 But you were a Styx guy to begin with. Styx brought  
24 you in, didn't he?

25 A. No, he didn't.

1 Q. He didn't?

2 A. The people that were under him brought me  
3 in.

4 Q. So you started cooperating in January of  
5 2016, when Bryan Acee went to BCDC, pulled you out  
6 of a cell, said, "I want to talk to you," probably  
7 took you to Matt Candelaria's office, you talked a  
8 bit, you said you wanted to cooperate; right?

9 A. It wasn't Matt Candelaria's office. It  
10 was Gallardo's office. And it wasn't BCDC. It was  
11 MDC at the time.

12 Q. All right. I stand corrected. But Matt  
13 Candelaria's STG or STIU, that kind of a guy at MDC?

14 A. At that time, I don't believe so. It was  
15 Gallardo.

16 Q. So you're over at Gallardo's office, you  
17 visit with him, and he asked you, "Who brought you  
18 in?"

19 And isn't it true that you told him that  
20 Gerald Archuleta was the guy that brought you in?

21 A. No, the people under Gerald Archuleta  
22 brought me in.

23 MR. COOPER: May I approach?

24 THE COURT: You may.

25 A. The people under him are the sponsors, and

1 it goes to the shot-callers, and the organization  
2 works like this.

3 BY MR. COOPER:

4 Q. Hang on. Let me get back over here.

5 A. All right.

6 Q. So tell me again who brought you in?

7 A. Oh, this is the way it works in the  
8 organization.

9 Q. No, no, no, no, no, no. Let me ask a  
10 question and you answer the question. Who brought  
11 you in?

12 A. The guys under --

13 Q. No. Give me the names.

14 A. All right. Daffy.

15 Q. Daffy?

16 A. Netavio Garcia. Yes, sir.

17 Q. Okay.

18 A. William Baca, Duke.

19 Q. He's also known as Billy Baca?

20 A. Right. And Bad Boy, which he's deceased  
21 now.

22 Q. Is that Joe Gordon?

23 A. The way it works their way up to the --

24 Q. Hang on just a second.

25 MR. COOPER: May I approach, Your Honor?

1 THE COURT: You may.

2 BY MR. COOPER:

3 Q. So the CHS -- that would have been you --

4 A. Yes, sir.

5 Q. -- was brought into the Sindicato de Nuevo  
6 Mexico by Billy Baca, also known as Duke; is that  
7 right?

8 A. Yes, sir.

9 Q. Correct? Gerald Archuleta, also known as  
10 Styx. Joe Gordon and Netavio Garcia, also known as  
11 Daffy?

12 A. Yes, sir.

13 Q. So those are the four that was reported in  
14 this report --

15 A. Yes.

16 Q. -- as the four people that brought you in?

17 A. Because they okayed it. See, it goes up,  
18 just like you're getting a job.

19 Q. But it doesn't say that.

20 A. Yes, because --

21 Q. That Netavio -- let me ask a question,  
22 then you can reply. Okay?

23 A. Yes, sir.

24 Q. So it says that Netavio Garcia, also known  
25 as Daffy, and Billy Baca, also known as Duke, were

1 two of the guys that brought you in; right?

2 A. Yes.

3 Q. It doesn't say, "And then it went up to  
4 Gerald Archuleta and Joe Gordon." Joe Gordon wasn't  
5 the big dog, was he?

6 A. No, they approved me coming into the onda.

7 Q. But Joe Gordon had no power to approve  
8 you. He wasn't on the same level as Styx, was he?

9 A. No, he was an older brother with  
10 influence.

11 Q. Not like Gerald Archuleta, was he?

12 A. No, not like Gerald Archuleta. But the  
13 only one around at that time in the county jail.

14 Q. So -- in fact, before I forget, let's go  
15 back. A minute ago Mr. Blackburn was talking to you  
16 about the tabla, and you named the people on the  
17 tabla and he said -- and this was the tabla in what  
18 year were you guys talking about?

19 A. Blackburn was talking about in 2007.

20 Q. Okay. In 2007. And the people were  
21 Juanito Mendez?

22 A. Yes, sir.

23 Q. Rupert?

24 A. Yes, sir.

25 Q. Oso; right?



1 A. Yes, sir.

2 Q. Gerald Archuleta?

3 A. Yes, sir.

4 Q. That was three. Baby Rob Martinez?

5 A. Yes.

6 Q. That was four. And Mr. Garcia. But  
7 that's not this Garcia, is it?

8 A. No, it's Arturo Garcia.

9 Q. Okay. So Billy Garcia was not on the  
10 tabla in 2007?

11 A. No. At that time politics had changed.

12 Q. Okay. So let's get back to this. You  
13 were one of Gerald's guys.

14 A. No, I was SNM.

15 Q. But you supported Gerald.

16 A. I supported any older brother that was in  
17 charge.

18 Q. You supported them or you confronted them?

19 A. No, I supported them.

20 Q. Okay. So you're like the pied piper here,  
21 huh? In 2004, 2005 you're a guy who has been in the  
22 business for a year, maybe two years, and you get  
23 all these guys to come in and make statements about  
24 what they have done or what you say they've done.

25 A. I'm only saying what they've told me

1 they've done. That's it.

2 Q. Why would they do that to a kid who has  
3 only been in the business for two years?

4 A. I'm not a kid. I was a brother. I earned  
5 my way up.

6 Q. You're a young brother; right?

7 A. No, a brother.

8 Q. You weren't?

9 A. I was a brother.

10 Q. A brother who had been in the business for  
11 one year?

12 A. Don't matter if you've been in for a day.

13 Once you're made a carnal, you're a brother.

14 There's no age limits in the SNM. We ain't Boy  
15 Scouts.

16 Q. That's for sure.

17 A. Believe me, that's for sure.

18 Q. Tell me. You've got a tattoo under your  
19 left eye of a tear drop?

20 A. Yes, sir.

21 Q. What is that?

22 A. It stands for a number of things.

23 Q. Tell me what it stands for.

24 A. It stands for people that have done time,  
25 people that have murdered, stuff like that.

1 Q. And in your case, what does it stand for?

2 A. For both.

3 Q. For both? So you've murdered people?

4 A. Yes, sir.

5 Q. How many?

6 A. I plead the Fifth on that.

7 Q. You can't plead the Fifth. You've got to  
8 answer me.

9 THE COURT: Mr. Samore, why don't you come  
10 up and talk to him? If you need a little more  
11 privacy, step out in the corridor.

12 MR. SAMORE: Why don't we step out in the  
13 corridor?

14 THE COURT: Why don't you take him out in  
15 the corridor here?

16 (A discussion was held off the record.)

17 THE COURT: Mr. Samore, why don't you come  
18 up here. And Counsel, why don't you come up here.

19 (The following proceedings were held at  
20 the bench.)

21 THE COURT: What's he going to do?

22 MR. SAMORE: I'm going to let him answer  
23 the question with the same answer he provided  
24 Mr. Acee.

25 THE COURT: Okay.

1 MR. SAMORE: I think that's within -- it's  
2 permissible that he disclose that.

3 THE COURT: And what is that answer?

4 MR. SAMORE: One.

5 THE COURT: All right. Would that work  
6 for you, Mr. Cooper?

7 MR. COOPER: Well, I want to explore that,  
8 because I believe it's more, but I don't think he  
9 has the right to refuse to answer a central part --  
10 I mean, this goes to his testimony on direct, and I  
11 think he has to answer all these questions. He's  
12 here pursuant to a Kastigar letter. I think he's  
13 got to answer those questions.

14 THE COURT: You're worried about state  
15 prosecutions, aren't you?

16 MR. SAMORE: Well, Judge, I'm not on this,  
17 because I think that's covered in the Kastigar  
18 letter. If he's disclosed that to Mr. Acee, that's  
19 my concern.

20 THE COURT: What is your concern about --  
21 maybe you don't. Do you have any more concerns  
22 about --

23 MR. SAMORE: I don't want to get into any  
24 pending incidents. The murder can be, of course, a  
25 lifetime prosecution. I think that's all that was

1 disclosed to Mr. Acee. If he answered it more than  
2 that, I think that's my concern, is that single  
3 question.

4 MR. COOPER: I'm going to explore with  
5 him, Your Honor -- just so everybody knows, I'm  
6 going to explore with him all of the incidents that  
7 I think are out there.

8 THE COURT: Well, let's do this. Why  
9 don't you --

10 MR. SAMORE: I think that's why probably  
11 invoke the Fifth Amendment and then have the Court  
12 rule.

13 THE COURT: All right. Why don't you  
14 stand over here next to Mr. Cordova, and let's walk  
15 through, and then I'll just have to take your  
16 instructions one at a time. And you know, if you  
17 get a feel for what he's going to do, what he's not  
18 going to do, then --

19 MR. COOPER: I'll approach, if you want,  
20 or --

21 THE COURT: Well, I'll probably sustain it  
22 as long as it looks to me like he could be charged  
23 by a state official because the Kastigar is only  
24 going to cover him from federal prosecution. So if  
25 it's going to incriminate him at the state level,

1 I'll let him take the Fifth in front of the jury for  
2 a while. But at some point we'll use a rule of  
3 reason, okay? So I'll let you ding him a little bit  
4 in front of the jury, but at some point I'll  
5 probably use the rule of reason, after you kind of  
6 made your point.

7 MR. SAMORE: Judge, my reasoning is that  
8 he's already said generally he has committed  
9 murders. So I think -- and then when Mr. Cooper  
10 asks a specific question, I don't think I'm free to  
11 say, "No, I haven't," after he's already said he  
12 committed the murder.

13 THE COURT: I appreciate you drawing the  
14 line.

15 MR. SAMORE: I'm drawing the line at the  
16 specifics beyond the one.

17 THE COURT: You're experienced, Counsel.  
18 You know what the Fifth is and what the Fifth isn't.  
19 Let just take them one at a time, listen to  
20 questions, and if you want to instruct him, feel  
21 free to instruct him on the record and go from  
22 there.

23 MR. SAMORE: Am I going to be permitted to  
24 say at this point he claims the Fifth and then do  
25 you want me --

1 THE COURT: You can say, "I advise my  
2 client to take the Fifth," and I'll ask him, "Are  
3 you going to follow your counsel's advice?" And if  
4 he says yes, then I will sustain the objection. All  
5 right?

6 MR. SAMORE: Okay.

7 MR. SINDEL: Your Honor, there is also an  
8 issue concerning our ability to confront and  
9 cross-examine.

10 THE COURT: That's right. And let's see  
11 how far it goes. I'll have to evaluate that.

12 MR. SINDEL: I just wanted to --

13 THE COURT: I understand the issue.

14 MR. BLACKBURN: I would ask Mr. Castellano  
15 if we could see the Kastigar letter.

16 MR. CASTELLANO: I can look for it and  
17 probably get my hands on it pretty quick. Because I  
18 think it may have been disclosed to the defense as  
19 part of this discovery before trial. I know there's  
20 a request for Kastigar letters.

21 MR. COOPER: I still have not seen one,  
22 and I've got a staff that's pretty on top of it.

23 THE COURT: Okay. You might look for it.  
24 I doubt it's much different than any other Kastigar  
25 letter.

1 MR. BLACKBURN: At least we'll have the  
2 date so we know.

3 THE COURT: Sure.

4 MR. BLACKBURN: Because we didn't have  
5 that.

6 MR. SAMORE: June 16, 2016, as I recall.

7 MR. CASTELLANO: That's about right. I  
8 don't remember the specific date, but that's about  
9 right.

10 THE COURT: All right.

11 MR. CASTELLANO: I'll see if I can put my  
12 hands on it.

13 MR. SAMORE: May I speak to him?

14 THE COURT: Go ahead and talk to him.

15 (The following proceedings were held in  
16 open court.)

17 THE COURT: This is Mr. John Moon Samore.  
18 Mr. Samore is Mr. Cordova's attorney, so he's going  
19 to be here in case Mr. Cordova needs some advice.

20 I'm glad to have you with us, Mr. Samore.

21 All right, Mr. Cooper. If you wish to  
22 continue your cross.

23 MR. COOPER: Yes, Your Honor. Thank you.

24 BY MR. COOPER:

25 Q. So Mr. Cordova, how many murders have you



1 participated in?

2 A. One.

3 Q. Just one?

4 A. Yes, sir.

5 Q. And which murder was that?

6 MR. SAMORE: And at this time I will  
7 instruct my client to exercise his Fifth Amendment  
8 right under the Constitution and not answer the  
9 question.

10 THE COURT: Mr. Cordova, are you going to  
11 follow your counsel's advice?

12 THE WITNESS: Yes, Your Honor.

13 THE COURT: All right. I'll sustain the  
14 objection, Mr. Cooper.

15 MR. COOPER: Your Honor, I'd like probably  
16 to be heard on that objection down the road, and I'm  
17 going to continue to ask questions, but I don't want  
18 to waive my objection.

19 THE COURT: All right. Your objection is  
20 preserved.

21 MR. COOPER: Thank you, Judge.

22 THE COURT: All right, Mr. Cooper.

23 BY MR. COOPER:

24 Q. How was that murder that you participated  
25 in conducted?

1 MR. SAMORE: At this time, I again  
2 instruct my client not to answer the question and to  
3 exercise his right under the Fifth Amendment to  
4 remain silent.

5 THE COURT: Are you going to follow your  
6 counsel's advice, Mr. Cordova?

7 THE WITNESS: Yes, Your Honor.

8 THE COURT: I'll sustain the objection.  
9 Mr. Cooper.

10 BY MR. COOPER:

11 Q. Was that murder of an SNM member?

12 A. No, sir.

13 Q. Was that murder of a Los Carnales gang  
14 member?

15 MR. SAMORE: At this time, same  
16 instruction exercised. My client should exercise  
17 his right under the Fifth Amendment not to answer  
18 the question.

19 THE COURT: Mr. Cordova, are you going to  
20 follow your counsel's advice?

21 THE WITNESS: Yes, sir.

22 THE COURT: All right. I'll sustain the  
23 objection. Mr. Cooper.

24 BY MR. COOPER:

25 Q. Mr. Cordova, when did this murder that you

1 participated in occur?

2 MR. SAMORE: Same instruction not to  
3 answer the question and exercise his Fifth Amendment  
4 rights.

5 THE COURT: Mr. Cordova, are you going to  
6 follow his advice?

7 THE WITNESS: Yes, Your Honor.

8 THE COURT: All right. I'll sustain the  
9 objection.

10 BY MR. COOPER:

11 Q. Mr. Cordova, did the murder that you  
12 participated in occur in the state of New Mexico?

13 MR. SAMORE: Same instruction, Judge.

14 THE COURT: All right, Mr. Cordova. Are  
15 you going to follow your counsel's advice?

16 THE WITNESS: Yes, Your Honor.

17 THE COURT: All right. I'll sustain the  
18 objection. Mr. Cooper.

19 BY MR. COOPER:

20 Q. Was the murder that you participated in,  
21 Mr. Cordova, conducted by strangulation?

22 MR. SAMORE: Same instruction, Judge.

23 THE COURT: Are you going to follow your  
24 counsel's advice, Mr. Cordova?

25 THE WITNESS: Yes, Your Honor.

1 THE COURT: I'll sustain the objection.

2 MR. COOPER: May I have one moment, Your  
3 Honor?

4 THE COURT: You may, Mr. Cooper.

5 MR. COOPER: Your Honor, may we approach?

6 THE COURT: You may. Do you want to  
7 approach as well, Mr. Samore?

8 (The following proceedings were held at  
9 the bench.)

10 MR. COOPER: If it's permissible, may I  
11 have Mr. Castle here for argument?

12 THE COURT: Sure.

13 MR. CASTLE: I believe there is a case on  
14 point, Murphy versus Waterfront Commission, which  
15 talks about the principle of federalism as applied  
16 to grant of use immunity and testifying. And I  
17 believe that case says -- and obviously, I haven't  
18 had the time to reread it -- but I believe the case  
19 says that was a situation in which a state  
20 prosecutor granted use immunity for statements made  
21 in a state proceeding and that was binding upon the  
22 federal prosecutors so they could not use those  
23 statements against him in a federal prosecution.

24 I believe the opposite would obviously  
25 apply as well, because the concept of supremacy in

1 federal court is higher, so I believe that the  
2 analysis is the same. So I think he is protected  
3 from being prosecuted for any state crimes based  
4 upon his statements in the courtroom that are being  
5 made pursuant to a grant of use immunity under the  
6 Kastigar letter.

7 THE COURT: Let me take a look at the  
8 case. I'll take a look at it. I thought I've  
9 looked at this in the past and didn't agree with the  
10 analysis. What's the cite on the case?

11 MR. CASTLE: I believe it is 378 U.S. 52.  
12 Then upheld again in the Councilman decision, and  
13 perhaps I could provide that citation off the record  
14 to Ms. Bevel.

15 THE COURT: All right. If you get it,  
16 just shoot her an email. I'll look at it.

17 MR. CASTELLANO: Is that a RICO  
18 prosecution? Do we know the background?

19 MR. CASTLE: No, this is old enough that  
20 RICO wouldn't have been around, probably, but I  
21 don't think that has any relevance anyway.

22 THE COURT: Why do you think that has no  
23 relevance?

24 MR. CASTELLANO: Because some RICO  
25 prosecutions are based on state prosecutions. So I

1 could see potentially where somebody was immunized  
2 by the state and potentially wouldn't count as  
3 something usable by the state, and possibly,  
4 therefore, not usable by the feds. But if it's  
5 pre-RICO, I don't know the context. That would be  
6 my thinking on that, because basically it wouldn't  
7 count as a state criminal type of conduct because  
8 it's e-mail and therefore the feds probably couldn't  
9 use it either, but I really don't know.

10 THE COURT: Let me take a look at it and  
11 see. There ought to be a pretty good answer on this  
12 out there. This shouldn't be something that we have  
13 to guess on. Let me take a look at it.

14 Do you have other areas you're going to go  
15 into?

16 MR. COOPER: I do, Your Honor, so I will  
17 leave this area temporarily, and then we'll come  
18 back to it later.

19 THE COURT: All right. Let me see if I  
20 can get these cases and I'll take a look at them.

21 MR. SINDEL: Can we assume that this  
22 witness will not be excused if everybody runs out of  
23 questions this evening? Because there may be more  
24 questions based on what the Court concludes as a  
25 result of this --

1 THE COURT: Either that, or I can recall  
2 him.

3 MR. SINDEL: Because I also plan to ask  
4 him some questions that may involve him invoking the  
5 Fifth. Not to repeat the same questions; I just  
6 want to tell you, so --

7 THE COURT: Let's see how it goes. I'd  
8 probably prefer to just get him down and recall him  
9 subject to recall if y'all need to go into these a  
10 little, and he's protected, and we'll do that  
11 tomorrow or something like that.

12 MR. SAMORE: Do you want to continue  
13 Mr. Cooper's line of questioning?

14 THE COURT: I think he's done with this  
15 line, but he's got some more questions. If you want  
16 to stay up here, that's fine. I don't think the  
17 rest of them are going to be too problematic.

18 MR. SAMORE: I'm fine.

19 THE COURT: Maybe from Mr. Castellano, but  
20 there may not be any --

21 MR. COOPER: Thank you, Judge.

22 THE COURT: Thank you.

23 (The following proceedings were held in  
24 open court.)

25 THE COURT: Mr. Cooper.

1 MR. COOPER: May we approach,  
2 Mr. Castellano and I, real quick like?

3 MR. CASTELLANO: I can skip the gym right  
4 now, Your Honor.

5 (The following proceedings were held at  
6 the bench.)

7 MR. COOPER: I wanted to ask him if he's  
8 disclosed the answers to the questions that I asked  
9 him to either the prosecutors or to the FBI, and I  
10 told you I was going to leave the area, but I  
11 think --

12 THE COURT: Okay.

13 MR. COOPER: -- I think that may help us  
14 later on in our analysis, and help us decide where  
15 we're going to go down the road.

16 THE COURT: Just a quick look at the  
17 statute before we even get to the law here. If you  
18 look at 6002 it says, "Whenever a witness refuses,  
19 on the basis of his privilege against  
20 self-incrimination, to testify or provide other  
21 information in a proceeding before or ancillary to a  
22 court of the United States and the person presiding  
23 over the proceeding communicates to the witness an  
24 order issued under this title, the witness may not  
25 refuse to comply with the order on the basis of his



1 privilege against self-incrimination; but no  
2 testimony or other information compelled under the  
3 order (or any information directly or indirectly  
4 derived from such testimony or other information)  
5 may be used against the witness in any criminal  
6 case."

7           So it doesn't seem to limit it to state or  
8 federal. So you might get Mr. Beck -- you might  
9 want to look at this right now, but it seems to me  
10 that if I'm looking at 6002 -- and I think that is  
11 the Kastigar immunity -- that's going to apply in  
12 any criminal case, which I think the case law -- if  
13 that's what -- Mr. Castle had those two cases,  
14 that's going to include state prosecutions.

15           MR. CASTELLANO: And does 6002 refer to  
16 use immunity?

17           THE COURT: Mr. Samore?

18           MR. CASTELLANO: I don't recall if 6002  
19 refers to use immunity or another type of immunity.

20           THE COURT: It says compelled under the  
21 order, and then in parens it says, "or any  
22 information directly or indirectly derived from such  
23 testimony or other information." I'm beginning to  
24 think, because of 6002, if that's the Kastigar  
25 immunity, if that's the statutory it's saying --

1 MR. BECKER: I don't believe that Kastigar  
2 provides statutory immunity under 6000. My  
3 understanding of that is that it has to come from  
4 the U.S. attorney recommending that we take before  
5 the grand jury a grant of statutory immunity. I  
6 don't think that that's happened in this case.

7 MR. COOPER: 6000 or 6002?

8 MR. BECKER: Et seq., however you say that  
9 Latin phrase.

10 MR. COOPER: Got it.

11 THE COURT: Okay. Well, just a quick look  
12 at the statute here, assuming Kastigar comes under  
13 6002, it does appear to give the immunity and it  
14 appears to give use and derivative use in any  
15 criminal case. And it excludes, of course,  
16 prosecutions for perjury, but I'm looking at just  
17 the statute, but it looks like the case law at least  
18 confirms through 6002 that it's going to apply to  
19 any criminal case.

20 Now, what Mr. Beck is saying is that 6002  
21 is not the Kastigar immunity, and I'll have to now  
22 look at that. But if it fits under 6002, it looks  
23 now like it's going to be any criminal case.

24 MR. BECKER: I think that's right. I  
25 think that's the distinction. I just briefly looked

1 over the head notes in Mr. Castle's case. I think  
2 that's right. What they said is the grant of  
3 immunity under New York laws. So what a Kastigar  
4 letter provides, it provides sort of limited  
5 immunity under the U.S. Supreme Court decision in  
6 Kastigar that we won't use those statements in our  
7 case-in-chief, but it doesn't provide any sort of  
8 immunity for otherwise obtaining or definitively  
9 obtaining information. If you were to grant  
10 immunity under 6000 et seq. it would have to go  
11 before a grand jury before he could actually be  
12 granted immunity, in which case he'd be granted  
13 immunity even if we had derivative information that  
14 could lead to the prosecution. So 6000 et seq.  
15 statutory immunity is much more powerful and  
16 stronger than the Kastigar by itself.

17 MR. CASTELLANO: I think that's right. I  
18 think under the Aryan Brotherhood cases, defense  
19 counsel requested that we give statutory immunity to  
20 two witnesses, which we did not.

21 MR. CASTLE: Your Honor, we'd like to have  
22 the opportunity to bring the -- I think the other  
23 option is: If they can convince the Court that  
24 he's, say, allowed to take the Fifth Amendment in  
25 regards to matters that are central to the defense

1 in this case, I believe the law is that the witness  
2 has to be stricken.

3 THE COURT: Well, I know that's what  
4 Mr. Sindel's point is. I don't think we're there  
5 yet. But let's explore this. I think we've got  
6 time. If we need to take him down and bring him  
7 back for cross, we can. But at least for the moment  
8 based upon Mr. Beck's research, I'm not inclined to  
9 blow privilege right at the moment.

10 MR. COOPER: So bringing us back to the  
11 reason I came back up here.

12 THE COURT: He's going to ask another  
13 question, Mr. Samore. So if you just want to stand  
14 over here and see what you're going to do. He said  
15 that he was done with your area, but he does have  
16 one more question.

17 MR. SAMORE: Okay.

18 MR. COOPER: Okay. Thank you.

19 (The following proceedings were held in  
20 open court.)

21 THE COURT: All right, Mr. Cooper.

22 MR. COOPER: Thank you, Your Honor.

23 BY MR. COOPER:

24 Q. Mr. Cordova, I asked you a series of  
25 questions about the murder that you participated in,

1 and I asked you five or six questions. Did the FBI  
2 agents that debriefed you -- did they ask questions  
3 about the substance of that murder?

4 MR. SAMORE: At this time I'm going to  
5 instruct the witness not to answer that question on  
6 Fifth Amendment grounds. It might incriminate him.  
7 And a big factor here is, I haven't had the  
8 opportunity to talk to my client about that subject.

9 THE COURT: All right. Let's put that  
10 aside. I won't sustain the objection at the present  
11 time. We may come back to it. But why don't we set  
12 it aside, and I'll make a ruling on that a bit  
13 later.

14 All right. Mr. Cooper.

15 MR. COOPER: Thank you, Judge.

16 BY MR. COOPER:

17 Q. Mr. Cordova, in December of 2015, you were  
18 on trial for the homicide, first-degree murder trial  
19 with regard to I believe it was Mr. Gurule?

20 A. Yes, sir.

21 Q. Okay. That's not the murder we've been --  
22 I've been asking you about, is it?

23 A. No, sir.

24 Q. So you were on trial in Albuquerque. You  
25 were being housed at that time during that trial at

1 MDC. That's Metropolitan Detention Center, no?

2 A. No, sir, I was being -- at that time, yes.

3 Q. So during the course of that trial, you  
4 were at MDC?

5 A. Through the course, yes, while I was on  
6 trial.

7 Q. While you were in trial. And every  
8 morning you'd be transported down to the district  
9 courthouse, you'd go in, you'd do the trial, at the  
10 end of the day you'd go back and you'd get your  
11 green baloney sandwich, and all that stuff; right?

12 A. Yes.

13 Q. So when you went back one day, on December  
14 3, in all likelihood, 2015, that's when you saw a  
15 lot of your brothers, SNM members, that were in MDC?

16 A. Yes, my ex-brothers, yes.

17 Q. Your ex-brothers. At that time, were they  
18 already ex?

19 A. No.

20 Q. They were your brothers, weren't they?

21 A. Yes.

22 Q. So anyway, you saw your brothers at MDC  
23 when you got back from court that day, and you  
24 learned -- is that the first time you learned that  
25 there was a RICO prosecution?

1 A. Yes, sir.

2 Q. Okay. And you learned that there were  
3 about 25 individuals, SNM members, that had been  
4 indicted and charged with violent crimes in aid of  
5 racketeering; correct?

6 A. Yes, sir.

7 Q. And the indictment involved murders that  
8 occurred as far back as 2001?

9 A. Yes, sir.

10 Q. 2007, 2014, and some other stuff; right?

11 A. Yes, sir.

12 Q. And you knew that those charges could  
13 result in the death penalty to each of those people  
14 who were charged in the counts that gave rise to the  
15 death penalty; right?

16 A. I didn't know that at that time.

17 Q. But you soon learned that, didn't you?

18 A. I heard they got hit with the death  
19 penalty, then they dropped it.

20 Q. Yes, that's right. Eventually, the  
21 Government did not proceed with the death penalty.  
22 But in January of 2016, when you made it known that  
23 you were ready to cooperate, the death penalty was  
24 still on the table, wasn't it?

25 A. I don't know.

1 Q. But you thought it was; correct?

2 A. No, I never thought about it.

3 Q. You never thought about it? You never  
4 talked to family members about the fact that they  
5 could hit you with the death penalty if they charged  
6 you with a RICO?

7 A. No, I didn't.

8 Q. Okay. You knew that some of those charges  
9 were murder charges?

10 A. Yes, sir.

11 Q. And you knew -- you talked on direct  
12 examination about it being a RICO case; right?

13 A. Yes, sir.

14 Q. And that's a racketeering case?

15 A. Yes, sir.

16 Q. What we're here in is not really a true  
17 RICO case, but it's close to a RICO. But in any  
18 case, you knew that the Government was continuing to  
19 investigate, and they were probably going to bring  
20 forth another indictment, charge you people with  
21 RICO; right?

22 A. Yes, sir.

23 Q. And you were well-respected in 2015, in  
24 December of 2015. By then you're not the youngster  
25 anymore. You've put in a lot of time and a lot of



1 work; no?

2 A. Yes, sir.

3 Q. So you're a well-respected brother?

4 A. Yes, sir.

5 Q. And at that point you were a highly ranked  
6 member of the S; right?

7 A. No, I was just a bro, just like when I  
8 first came in.

9 Q. You're still a soldier?

10 A. Yes, sir.

11 Q. But you had more respect than when you  
12 first came in?

13 A. No, that's not the way it works.

14 Q. No?

15 A. No. You earn your bones to come into the  
16 onda, so you're respected once you're made a  
17 brother.

18 Q. Okay. But you were good, weren't you?

19 A. At being a gangster?

20 Q. No, no, no.

21 A. Good at what?

22 Q. When you talk about a brother who is in  
23 trouble, a brother who is a rat, a brother who is a  
24 homosexual, a brother who is messing up, he's not  
25 good anymore; right?

1 A. You could say that.

2 Q. And if you're still living within the  
3 rules of the onda, still living within the rules of  
4 the S, they term you as good. You haven't heard  
5 that?

6 A. Yes, sir.

7 Q. And at the time, in 2015 you were good;  
8 right?

9 A. For a vato, yes.

10 Q. You were a vato?

11 A. I was a good brother, yes.

12 Q. A good brother. And you knew probably  
13 every one of those guys that got indicted in the  
14 VICAR case, didn't you?

15 A. Pretty much all of them, yes, sir.

16 Q. And some of them hadn't even done as much  
17 work as you had; right?

18 A. I don't know about that. That's not the  
19 way it goes in the onda.

20 Q. And some of them probably had done more  
21 work than you; right?

22 A. Yes, but how I said, once you earn your  
23 bones, you never stop earning your bones. So you  
24 can keep on putting in work till the day you die.  
25 That's the way it goes with the SNM. As long as

1 you're an SNM Gang member, you never stop.

2 Q. That's right. You don't stop working;  
3 right?

4 A. Yes, sir.

5 Q. You continue to put in work, as they say.  
6 And putting in work can be stabbing people,  
7 assaulting people, killing people, bringing drugs  
8 in. All of that is putting in work; right?

9 A. Well, it's not putting in work no more.  
10 It's called going to work. Once you become a  
11 full-fledged carnal, that means you go to work. It  
12 never stops. We're all offense. We're no defense.

13 Q. Well, I stand corrected. I'm not an  
14 authority on this, obviously, but you go to work  
15 every day, and by going to work, sometimes you have  
16 to assault people, sometimes you have to stab them,  
17 sometimes you beat them up, sometimes you kill them;  
18 right?

19 A. Yes, sir.

20 Q. And that's going to work?

21 A. Yes, sir.

22 Q. That's doing your work?

23 A. Yes, sir.

24 Q. And sometimes other brothers are bringing  
25 drugs in for the brothers that are there; right?

1 A. Yes, sir.

2 Q. And that's going to work?

3 A. Yes, sir.

4 Q. That's doing work?

5 A. Yes, sir.

6 Q. And you're pretty good at both of those  
7 things, aren't you?

8 A. Yes, sir.

9 Q. You brought in a lot of drugs and you  
10 assaulted a lot of people?

11 A. Yes, sir.

12 Q. You knew that you probably brought in more  
13 drugs -- you knew that you had brought in more drugs  
14 than a lot of people that were named on this  
15 indictment; right?

16 A. No, that's not true.

17 Q. No?

18 A. No, sir.

19 Q. So the people named on the indictment  
20 brought in more drugs than you brought in?

21 A. We're all in competition, competing with  
22 each other, all trying to outdo each other. That's  
23 how it is in the onda. One brother does something  
24 better, and the other brother's trying to one up  
25 you.

1 Q. Okay. So did you bring in a lot of drugs  
2 or not?

3 A. Yes, sir.

4 Q. Some guys in the onda don't bring in many  
5 drugs, do they?

6 A. No, sir, but they contribute in other  
7 ways.

8 Q. I understand that. And you brought in a  
9 lot of drugs, so that was one of your ways to  
10 contribute when you go to work; right?

11 A. One of them, yes.

12 Q. And you also committed a lot of assaults,  
13 another way to contribute when you go to work?

14 A. Yes, sir.

15 Q. Okay. And some of the guys -- Raymond  
16 Rascon, for instance, he said that -- strike that.  
17 Some brothers don't put in as much work as other  
18 brothers; right?

19 A. Correct. There's other ways.

20 Q. There's other ways.

21 A. Yes, sir.

22 Q. Like what?

23 A. Passing messages, getting into positions  
24 other brothers can't get into, and make sure other  
25 brothers get and send messages delivered to other

1 brothers. Every brother is good at different  
2 things.

3 Q. And it's good to have, in this  
4 organization, people that are good at everything?

5 A. Yes, sir.

6 Q. And you're good at everything; no?

7 A. If you want to say that.

8 Q. Well, you like to think that you are,  
9 don't you?

10 A. I was a good brother. I know that. I was  
11 dedicated to the organization.

12 Q. You were such a good brother that you were  
13 being investigated for the Sammy Chavez murder,  
14 weren't you?

15 A. I was being investigated for the Sammy  
16 Chavez murder, yes, sir.

17 Q. And in fact, Bryan Acee told you that he  
18 was preparing some overt acts to indict you on a  
19 RICO charge for the Sammy Chavez murder; right?

20 A. He said I was being investigated. I don't  
21 think he said about overt acts.

22 Q. You know what overt acts are; right?

23 A. Yes, sir.

24 Q. Okay. And he had people that worked with  
25 him that were preparing overt acts with regard to

1 you; right?

2 A. Yes, sir.

3 Q. And he told you that, didn't he?

4 A. They said they were preparing overt acts.  
5 He said I was being investigated.

6 Q. And you knew that he was going to continue  
7 to go out and bring other people in with regard to  
8 this indictment or other indictments; right?

9 A. I know there was more to come, but I just  
10 didn't know all the specifics.

11 Q. And in fact, there was more to come;  
12 right?

13 A. Yeah, more came.

14 Q. More came, didn't it? And you knew that  
15 more was coming. So we go back. December 3, 2015,  
16 is when the arrests were made, and all these guys  
17 come into MDC, you're there, you know that the feds  
18 had come after the S; right?

19 A. Yes, sir.

20 Q. And you think, "Uh-oh, I brought in a lot  
21 of drugs, I've done a lot of assaults; I need to do  
22 what I need to do to cut the losses. I'm a good  
23 brother, but I got to take care of myself."

24 A. That's incorrect, sir.

25 Q. How did it go? Tell me.

1           A.     You get tired. You get inside an  
2 organization, because you think there is trust and  
3 there is loyalty and there is honor amongst other  
4 dudes who are supposedly brothers. But once you're  
5 in, you see all the brothers just getting used up,  
6 thrown aside like it's nothing. And that's what  
7 goes on. You get to the point where you got to go  
8 do deliveries with other brothers in that house, and  
9 you're thinking, Am I going to come out alive out of  
10 this house? Pick up other brothers, you ain't want  
11 to sit behind you in the back seat of your car. I  
12 had a policy: Only one brother with me at a time in  
13 my car because I couldn't trust four brothers with  
14 me in my car, because I don't trust no one sitting  
15 behind me. That's how bad it got within that  
16 organization.

17           Q.     Did Popeye have similar feelings?

18           A.     I don't know if Popeye had similar  
19 feelings.

20           Q.     Didn't you water-board Popeye?

21           A.     I can't speak on that. I can't speak on  
22 other brothers. I can only speak on my own  
23 experiences.

24           Q.     Didn't you water-board him, torture him?

25           A.     I never water-boarded Popeye.



1 Q. You didn't? Who did you water-board?

2 A. Competition, drug dealers, people that  
3 didn't want to pay rent to the onda. So we'd go in,  
4 we'd do home invasion, they'd tell us where the  
5 narcotics were at and the money was at. We would  
6 torture them until they gave us where the products  
7 and the money were at.

8 Q. And you got tired of that, huh?

9 A. I got tired of always having to carry a  
10 shank up your rectum, never knowing when you're  
11 going to come out of the tier and the politics are  
12 not going to be in your favor that time, and you'll  
13 be the next on the list. I've been in meetings with  
14 other brothers talking about killing this brother,  
15 and then once another brother leaves that circle,  
16 they're talking about killing him.

17 Q. But it wasn't until after the indictment  
18 came down, in December of 2015, that you really got  
19 tired; right?

20 A. I was tired, say, a couple years before  
21 that.

22 Q. You didn't ever take any action; right?

23 A. I never wanted to go out as being a rat,  
24 as being an informant. I'm not proud of what I'm  
25 doing today.

1 Q. People can leave the onda by going  
2 Christian. Juan Baca did it. Who is Juan Baca?

3 A. And you know, he had juice and there was  
4 brothers still plotting to kill him.

5 Q. Who is Juan Baca?

6 A. Juan Baca is the main founder. He was  
7 being protected by other brothers that -- who knows  
8 why they were protecting him, but there was other  
9 brothers who wanted to kill him, yes.

10 Q. He was the mero mero jefe; right?

11 A. Yes, sir.

12 Q. And he decided to walk away because he  
13 found the Lord, he just wanted to leave all of the  
14 killing, all of the drugs, and he did; right?

15 A. Yes, sir.

16 Q. And nobody ever hit him, did they?

17 A. No, sir.

18 Q. So you can walk away. He's living proof;  
19 right?

20 A. There's enemies that you make within the  
21 organization. I walked away when I got out of  
22 prison. What brought me back was a conflict that  
23 had to do with my nephew. It had nothing to do with  
24 any gang activity.

25 Q. Exactly.

1 A. Exactly.

2 Q. Exactly. You may have difficulties  
3 walking away because the LC -- they may not like  
4 you, or the AB doesn't like you, or maybe your  
5 nephew doesn't like you. But you can walk away,  
6 become a Christian, just like Juan Baca did; right?

7 A. Why ain't I walking away now? What's the  
8 difference?

9 Q. Pardon me?

10 A. Ain't I walking away now?

11 Q. Yeah, you are.

12 A. There you go.

13 Q. So you can walk away; right?

14 A. I'm walking away right now.

15 Q. But you didn't choose to walk away until  
16 there was a threat that you might be looking at the  
17 death penalty?

18 A. No, the only death penalty I'm looking at  
19 is from the SNM and other organizations that are  
20 hooked up with them. That's it.

21 Q. You've been in custody at least -- well,  
22 let me back up. You agreed to testify -- or you  
23 agreed to cooperate and you started cooperating  
24 January 4, 2016. That's the first day that you met  
25 with Bryan Acee at MDC; right?

1 A. I don't know the exact date, but it was  
2 around that area.

3 Q. Do you want to see a document, or is that  
4 good?

5 A. I'm fine.

6 Q. You started cooperating January 4 of 2016.  
7 Nobody has assaulted you since that date, have they?

8 A. You know how I've been living since that  
9 date?

10 Q. No, no, no, no, no, no, no. I don't want  
11 to know. I want an answer to that question. You  
12 have not been assaulted at all since that date, have  
13 you?

14 A. I'm no longer around the SNM.

15 Q. You're not?

16 A. No.

17 Q. I thought you told Mr. Blackburn that you  
18 were housed with Jerry Armenta. With Jerry  
19 Martinez.

20 A. They're all ex-brothers.

21 Q. Ex-brothers?

22 A. Exactly.

23 Q. And they haven't hit you, have they?

24 A. Why would they when they're ex-brothers?

25 Q. Anybody else hit you?

1 A. No.

2 Q. Nobody has hit you. Have you heard of  
3 anybody who has been hit? Zero; right?

4 A. But I know about brothers that have been  
5 murdered for being rats.

6 Q. In fact, you probably have killed some,  
7 haven't you?

8 A. I don't want to answer that.

9 Q. Why not? Is this an answer you want to  
10 take the Fifth on?

11 A. Yes, sir.

12 Q. Okay. I'll move on.

13 So that first day that you met with Bryan  
14 Acee, you talked to him for two hours; right? From  
15 1:00 to 3:00 o'clock?

16 A. I talked to him for some time.

17 Q. Who else was there?

18 A. Some STG officers.

19 Q. STG from DOC or MDC?

20 A. Both.

21 Q. Both?

22 A. There was Liner from the BCOS. There  
23 was --

24 Q. BCO what?

25 A. Bernalillo County Sheriff's Department.

1 Q. Okay.

2 A. Liner. There was Myers and --

3 Q. Mark Myers?

4 A. Yes, sir.

5 Q. Okay. He's the guy that was going to help  
6 you?

7 A. Help me with what?

8 Q. Never mind. Strike that. Who else was  
9 there?

10 A. To my knowledge, that's it. My  
11 recollection, put it that way.

12 Q. And how did it happen? Did you tell a CO  
13 that you wanted to talk to the feds, or did he just  
14 come pull you out?

15 A. He came and pulled me out.

16 Q. Okay. You didn't know that they were  
17 coming?

18 A. I knew eventually they were coming. I was  
19 preparing my -- in my mind for this.

20 Q. You were kind of happy they came, no?

21 A. Not happy. I don't want to be doing what  
22 I'm doing today.

23 Q. You were relieved?

24 A. I wouldn't say relieved.

25 Q. Okay. If I were to read reports that

1 would say that when you first saw them, you had a  
2 big smile on your face?

3 A. When I saw them I had a big smile on my  
4 face?

5 Q. Yeah, when you saw Agent Acee and the  
6 people in that room, you heard why they were there,  
7 you had a big smile on your face?

8 A. I don't recall.

9 Q. No. So tell me about your tats on your  
10 face again. The tear drop on the left is for a  
11 murder?

12 A. Or doing time.

13 Q. Or doing time?

14 A. Yes, sir.

15 Q. And does it signify, one, two, three  
16 prison terms or --

17 A. Just on doing time, murder, whatever, just  
18 doing time.

19 Q. And then on your right eye you have three  
20 dots. Tell me about those three dots?

21 A. It's mi vida loca, my crazy life.

22 Q. You have a crazy life?

23 A. I did live a crazy life. Now I live in  
24 protective custody.

25 Q. With other --

1 A. With other protective custody people, yes.

2 Q. And what is that pod like? How many cells  
3 in that pod?

4 A. Sixteen, and it sucks.

5 Q. But you have free rein. It's just the 16  
6 of you; it's not others.

7 A. I don't have free rein. I'm in solitary  
8 confinement on three-man escort everywhere I go.

9 Q. And everybody there does that?

10 A. Pretty much, yeah.

11 Q. Is that because you're just a bunch of  
12 killers?

13 A. No, because we're in protective custody.

14 Q. And they put you in protective custody to  
15 keep you safe and keep everybody else safe; right?

16 A. Yes, sir.

17 Q. Because you have a history of assaulting  
18 people; right?

19 A. Now it's the other way around. Now it's  
20 for my safety of the prison population.

21 Q. But you have a history of assaulting  
22 people, don't you?

23 A. Oh, yeah, of course, or else I would have  
24 never been SNM.

25 Q. But once you decided to cooperate, you



1 were good with that, you put all that stuff behind  
2 you; right?

3 A. It's hard. It's like, say, you, today,  
4 you try come into one of these guys' life and be an  
5 active syndicato or try to come into one of my shoes  
6 and be in protective custody in prison, you're used  
7 to being free all your life, and you're a lawyer.  
8 You couldn't just transition over a little bit of  
9 time. It would take years. It would take some time  
10 and a lot of hard work.

11 Q. How long have you been in prison?

12 A. This time?

13 Q. This time.

14 A. I've been in prison for three years. I  
15 just started my fourth year this year.

16 Q. And how many -- since the time you were  
17 19, when you came in at 19, was that your first  
18 prison term?

19 A. No, I was tried as an adult when I was 16,  
20 17 years old. I came to prison when I was 19, when  
21 I was fighting my cases.

22 Q. So were you in custody from the time you  
23 were 16 through the time you were 19, when you  
24 finished fighting those cases?

25 A. Most of it, yes, sir.

1 Q. Okay. What, did you get out and mess up  
2 and have to get back in?

3 A. Yes, sir.

4 Q. So from the time you're 16 until -- and  
5 you're how old again?

6 A. 34, sir. 34, sir.

7 Q. Sorry?

8 A. Adult time, yes, I've been doing time  
9 since then. I've never been out a whole year.

10 Q. So from 16 to 34 you've been incarcerated.  
11 So it's not the same as if I were to go in; right?

12 A. No. I've been incarcerated, to be honest  
13 with you, since I was 10 years old. I've been  
14 getting incarcerated. I've been at YDC, Springer,  
15 all that stuff.

16 Q. So as recently as April 17, you committed  
17 another assault, didn't you?

18 MR. SAMORE: Objection. Assert the Fifth  
19 Amendment privilege at this time on that question.

20 THE COURT: Are you going to follow Mr.  
21 Samore's advice on that?

22 THE WITNESS: Yes, Your Honor.

23 THE COURT: I'll sustain that objection.

24 BY MR. COOPER:

25 Q. Did you assault a correctional officer at

1 the facility at Southern New Mexico Correctional  
2 Facility on April 17, 2018?

3 MR. SAMORE: Objection, instruct the  
4 client, Mr. Cordova, to not answer the question  
5 based on his Fifth Amendment privilege.

6 THE COURT: And you'll follow your  
7 counsel's advice, Mr. Cordova?

8 THE WITNESS: Yes, Your Honor.

9 THE COURT: All right. I'll sustain the  
10 objection.

11 BY MR. COOPER:

12 Q. When somebody commits an assault inside a  
13 prison facility, there is a disciplinary procedure;  
14 correct?

15 A. Yes, sir.

16 Q. And every inmate at the facility knows  
17 that process?

18 A. Yes, sir.

19 Q. Have you gone through that process with  
20 regard to this particular assault that you committed  
21 on April 17, 2018?

22 A. Yes, sir.

23 Q. And so that process is complete?

24 A. Yes, sir.

25 Q. Have you received a target letter or do

1 you have any reason to believe you will be  
2 prosecuted for that assault on a correctional  
3 officer on April 17, 2018?

4 A. Yes, sir.

5 Q. You have?

6 A. Yes, sir.

7 Q. Do you have reason to believe, or you've  
8 received a target letter?

9 A. I received a target letter.

10 Q. And what does that letter say that you are  
11 the target of? What sort of investigation?

12 MR. CASTELLANO: Objection, calls for  
13 hearsay.

14 MR. COOPER: I'll withdraw. Thank you.

15 BY MR. COOPER:

16 Q. So the target letter informs you that you  
17 are the target of a grand jury investigation;  
18 correct?

19 A. Yes, sir.

20 Q. And this particular target letter informs  
21 you that you are the target of a grand jury  
22 investigation for having committed an assault or  
23 battery, probably on a correctional officer?

24 A. Yes, sir.

25 Q. Do you know when the matter is going to be

1 presented to the grand jury?

2 MR. SAMORE: If the client can answer that  
3 question. I think I heard the question correctly.

4 THE COURT: The question was: Do you know  
5 when the matter is going to be presented to the  
6 grand jury?

7 MR. SAMORE: If the client can answer, I  
8 think he can tell you.

9 A. Yes, May 18.

10 BY MR. COOPER:

11 Q. I'm sorry, Mr. Cordova, I turned away and  
12 I didn't --

13 A. May 18, sir.

14 Q. May 18? Okay. Thank you. My apologies.

15 THE COURT: All right. Would this be a  
16 good place for us to take our evening break,  
17 Mr. Cooper?

18 MR. COOPER: It will, Your Honor. Thank  
19 you very much.

20 THE COURT: All rise. We'll be in recess  
21 until tomorrow at 8:30. I appreciate everybody's  
22 hard work. Thank you for -- it was a long day, and  
23 I appreciate everybody's hard work.

24 (The jury left the courtroom.)

25 THE COURT: Take a look at this issue

1 tonight. And also we still have Ms. Armijo's  
2 pending request that I knock off some of the  
3 testimony with Mr. Munoz about those questions. And  
4 if you find -- I guess the question is: If you find  
5 the material so that you had a good faith subjective  
6 basis for asking the question, is that enough? I  
7 think what Ms. Armijo is saying is, well, it's clear  
8 that there is no basis, you were mistaken. Then I  
9 guess the question is: Do I use that to sanitize  
10 the record? And I'm not sure I know the answer to  
11 that. So we've got two questions to look at  
12 tonight.

13 MR. CASTLE: Just really quickly. The  
14 case I was thinking about on the issue of immunity  
15 was actually the Kastigar case.

16 And the second thing is: I've been doing  
17 some searching while we're doing this, and I found  
18 the antisocial personality diagnosis for four people  
19 right now. But I have not yet found it for Mr.  
20 Munoz, at least this Mr. Munoz' records. So I'm  
21 looking for it now, and I'll keep the prosecution  
22 updated, and let them know about it in the morning.

23 THE COURT: Okay.

24 MR. CASTELLANO: Your Honor, we are  
25 following the rule of not talking to the witnesses

1 on cross-examination. I was wondering if we might  
2 be able to talk to Mr. Cordova about the one issue  
3 for which he's invoked the Fifth to see if we can  
4 resolve that.

5 (Inaudible crosstalk.)

6 THE COURT: Is it all right if he talks to  
7 Mr. Samore?

8 MR. COOPER: I think he ought to talk to  
9 Mr. Samore and not the witness.

10 THE COURT: Would that work for you,  
11 Mr. Castellano?

12 MR. CASTELLANO: I wanted to make sure I  
13 cleared it.

14 THE COURT: So you've got permission from  
15 everybody for him to talk to Mr. Samore and clear  
16 that up.

17 All right, I appreciate everybody's hard  
18 work. Have a good evening.

19 (The Court stood in recess.)  
20  
21  
22  
23  
24  
25

1 May 10, 2018

2  
3 THE COURT: All right. I think we've got  
4 all the defendants in, and we've got an attorney for  
5 each of the defendants.

6 Let me go over a few things. Exhibit 14  
7 to the clerk's minutes when I had -- when I decided  
8 what instructions, limiting instructions, to give on  
9 various portions of his testimony, I circled things,  
10 and there was some highlighting. So I have attached  
11 that as Exhibit 14 to the clerk's minutes so it will  
12 be clear what was being discussed.

13 Mr. Davidson brought to my attention last  
14 night in the Baca case that the Government has filed  
15 a motion to disqualify Mr. Blackburn. So I guess  
16 what I need probably to find out is, James Garcia --  
17 have y'all contacted him to see whether he'd waive  
18 any conflict? I don't know if it's waivable, but  
19 have y'all talked to him and found out?

20 MR. BLACKBURN: Well, I haven't. But I  
21 know the last time he was here, his attorney said  
22 no. And now that I have seen the debriefings on the  
23 case, I can't imagine under any circumstances that's  
24 going to change.

25 THE COURT: All right.



1 MR. BLACKBURN: Even if that happens,  
2 there is a new 302 on the interview they did with  
3 his wife, which I don't know if they've called her,  
4 but it's pretty clear to me that they're not going  
5 to waive that conflict, Your Honor.

6 THE COURT: Okay. Would you humor me and  
7 at least contact his new attorney and just confirm  
8 that?

9 MR. BLACKBURN: I will, Your Honor.

10 THE COURT: For present purposes, I'll  
11 assume that that's not going to happen and I'll act  
12 accordingly.

13 MR. BLACKBURN: I will, Your Honor.

14 THE COURT: Y'all may have something to  
15 say on the invocation of the Fifth Amendment by  
16 Mr. Cordova yesterday, but after looking at the  
17 letter -- y'all can educate me, but it doesn't look  
18 to me like it really is a Kastigar letter according  
19 to the case. It expressly disavows in the second  
20 paragraph, derivative use immunity or immunity  
21 vis-a-vis any prosecuting entity other than the  
22 United States Attorney's Office here in New Mexico.  
23 So it seems to me his immunity is much less  
24 extensive than Kastigar requires. So unless  
25 somebody has something different -- I know y'all

1 were going to work last night to see if this  
2 language could track what he had given to Mr. Acee.  
3 But assuming that nothing is worked out informally,  
4 it seems to me his Fifth Amendment privileges ought  
5 to stand. And that's the situation.

6 All right. Mr. Solis, did you have  
7 something that you wanted to present to the Court?

8 MR. SOLIS: Yes, Your Honor. Only because  
9 Agent Cupit is to be a witness today, and that was  
10 going to be my witness. However, I've got a  
11 district court sentencing in El Paso, Your Honor.  
12 But I did want to talk about the parameters of his  
13 testimony.

14 As you know, I filed a motion to exclude  
15 the marital communications between our client,  
16 Mr. Chavez, and his wife, as a result of a 302 that  
17 was provided us. Not any phone calls, I understand  
18 there is not that issue with the jail phone calls.  
19 So as a result of that, I suspect, the motion filed  
20 and the authority cited and the Court's order  
21 basically cited the same authority I cited in that  
22 particular motion, they pulled that witness, Yvonne  
23 Madrid, and now have Cupit, I think, only to address  
24 the jail phone calls that have to do with, frankly,  
25 my entry into the case; that is, the Suboxone

1 letters and then the lawyer delivering the letters  
2 or Christmas cards with Suboxone.

3 And I think they provided phone calls that  
4 have discussions with regard to that, Ms. Madrid and  
5 Mr. Chavez, I suspect under the co-conspirator  
6 exception to 801. And so if that's the case, then I  
7 just wanted to alert the Court that my understanding  
8 is that that should come in and probably will come  
9 in, but nothing other than that. The topic of the  
10 302 that resulted in the filing of the motion I  
11 filed I think is not to be the topic of that  
12 testimony from Mr. Cupit.

13 Is that right, Ms. Armijo?

14 MS. ARMIJO: Well, I'm not sure what you  
15 mean by the 302. I know that the investigation will  
16 be discussed, but her statements -- because we have  
17 to at least put it in perspective why these calls  
18 are relative -- relevant, I should say. And I know  
19 that there will be another witness who will testify  
20 as to that as well. But we don't plan on getting  
21 in -- I don't think that there is going to be any of  
22 her post arrest statements coming in at this time,  
23 at least not through Special Agent -- or Task Force  
24 Agent Cupit. He will testify about a couple of  
25 other things in reference to the prison, but as to

1 this investigation, I think it's pretty much the  
2 calls and explaining the calls.

3 MR. SOLIS: If that's the case, then I  
4 think Mr. Granberg can handle that. But I do want  
5 one other thing, Your Honor. When that does come in  
6 and I'm not here, if you could instruct the jury  
7 that the lawyer involved, if that testimony does  
8 arise, in that delivery of those Suboxone-laced  
9 cards and letters are not either me or Mr. Granberg,  
10 so the jury is not left with the impression that  
11 these lawyers assisted in the delivery of Suboxone  
12 to Mr. Chavez.

13 THE COURT: Would you be willing to ask  
14 those questions, Ms. Armijo?

15 MS. ARMIJO: Absolutely, Your Honor. I  
16 don't think that that's anything that we're going to  
17 be --

18 THE COURT: Does that work for you then,  
19 Mr. Solis?

20 MR. SOLIS: As long as the jury is aware  
21 that neither I nor Mr. Granberg are involved in that  
22 aspect of that.

23 MR. CASTLE: Your Honor, could we do a  
24 record later on the Fifth Amendment issue, or do you  
25 want to hear it now?

1 THE COURT: No, I think I understand it.  
2 But if you need to make a bigger argument, you can.

3 MR. CASTLE: Do you want me to do it right  
4 now?

5 THE COURT: No, let's go ahead and bring  
6 the jury in. I think I understand the way you made  
7 it last night. But if you need to make other  
8 arguments, then you can.

9 All rise.

10 (The jury entered the courtroom.)

11 THE COURT: All right. Everyone be  
12 seated.

13 Good morning, ladies and gentlemen. Thank  
14 you for being back and on time and ready to go. It  
15 will take us a minute to get Mr. Cordova up.

16 Why don't I use this time to have counsel  
17 come up here to the bench and we'll let Mr. Castle  
18 say what he indicated he needed to say while we're  
19 waiting for Mr. Cordova to come up.

20 (The following proceedings were held at  
21 the bench.)

22 THE COURT: Go ahead, Mr. Castle.

23 MR. CASTLE: Your Honor, we believe that  
24 this witness has testified to what has been broadly  
25 categorized as enterprise evidence. He's told the

1 jury, based on his experience in the SNM, that he  
2 has -- that there are murderous groups, et cetera,  
3 et cetera. He went on and talked about all of that.  
4 That he said, based upon his participation in those  
5 events, that's the basis of his testimony. It was  
6 almost like close to expert testimony, but it was  
7 lay testimony.

8 The law is well established in Mitchell  
9 versus United States, 526 U.S. 314, it states it's  
10 well-established that a witness in a single  
11 proceeding may not testify voluntarily about a  
12 subject and then invoke the privilege against  
13 self-incrimination when questioned about the  
14 details.

15 It's our position -- I understand the  
16 Court's reading of the Kastigar letter, and I can't  
17 necessarily disagree with that. But I think the  
18 result here is that the witness is able to give a  
19 partial explanation of things without being examined  
20 on those. So we believe that his testimony should  
21 be stricken by the Court. And so that's our  
22 argument.

23 THE COURT: Okay. Is he here? Why don't  
24 I hear your response when we have more time?

25 MR. CASTELLANO: Sure.

1 MR. COOPER: Are we expecting his lawyer?

2 (The following proceedings were held in  
3 open court.)

4 THE COURT: Mr. Cordova, if you'll resume  
5 the witness box. I'll remind you that you're still  
6 under oath.

7 THE WITNESS: Yes, Your Honor.

8 THE COURT: All right. Mr. Cooper.

9 MR. COOPER: Thank you, Your Honor.

10 BILLY CORDOVA,  
11 after having been previously duly sworn under  
12 oath, was questioned, and continued testifying  
13 as follows:

14 CONTINUED CROSS-EXAMINATION

15 BY MR. COOPER:

16 Q. Good morning, Mr. Cordova. How are you  
17 today?

18 A. Good. And you, sir?

19 Q. Doing well. Thank you.

20 So I want to talk to you about the various  
21 times that you have talked with the Government, with  
22 the FBI, about cooperating, and the statements that  
23 you've given to the Government about your  
24 cooperation. I'd like to talk with you about what  
25 your understanding is, what you think you need to do

1 in order to cooperate. Okay? Are you good with  
2 that?

3 A. Yes, sir.

4 Q. So let's go back for just a minute. I  
5 won't spend a lot of time on it, but you knew that  
6 there was an indictment charging about 25 people  
7 with violent crimes in aid of racketeering. You  
8 knew that the Government was coming down on the SNM;  
9 right?

10 A. Yes, sir.

11 Q. So you made the decision to cooperate with  
12 the Government to avoid you getting yourself tangled  
13 up in that indictment or any of the succeeding  
14 indictments that actually did come out; right?

15 A. That was one of the reasons, yes, sir.

16 Q. Okay. And so in order to accomplish that,  
17 when you were pulled out of your cell at MDC by  
18 Agent Acee, you gave a statement; right?

19 A. Yes, sir.

20 Q. And did you -- how did that start? What  
21 did he tell you as to why you were there?

22 MR. CASTELLANO: Objection, calls for  
23 hearsay.

24 THE COURT: Overruled.

25 A. I can't recall the exact words, but he



1 just stated that he was investigating the SNM and he  
2 wanted to stop them from committing more murders.

3 BY MR. COOPER:

4 Q. Stop you or --

5 A. The SNM, period.

6 Q. Okay.

7 A. And the organization from committing more  
8 murders; and that's what he was there for, to keep  
9 the community safe and to stop us from hurting each  
10 other, hurting other inmates serving time.

11 Q. And how did you respond to that? What did  
12 you think of him saying that to you?

13 A. To be honest with you, I was already  
14 tired.

15 Q. Okay.

16 A. I just -- I even knew the STIU, everybody  
17 were surprised that I even cooperated. Because it  
18 wasn't the first time I would have faced a life  
19 sentence.

20 Q. Okay. So that day you talked to him about  
21 certain things; right?

22 A. Yes, sir.

23 Q. And you talked to him about putting in  
24 work, what that means, and what you did; right?

25 A. Yes, sir.

1 Q. You talked to him about some of the  
2 internal conflicts within SNM?

3 A. Yes, sir.

4 Q. For instance, there is a big conflict  
5 between Styx and -- and Styx kind of represented the  
6 younger generation, wouldn't you say?

7 A. No.

8 Q. No. There was a conflict, though, between  
9 him and Julian and Julian was definitely an old  
10 timer; right?

11 A. Yes, sir.

12 Q. And the people who sided with Julian for  
13 the most part were either old timers or people from  
14 Barelvas; right?

15 A. To be honest with you, a few people sided  
16 with him, but most of the organization sided with  
17 Styx, because we felt that was wrong about what he  
18 did with his wife.

19 Q. But you talked about that conflict with  
20 Agent Acee; right?

21 A. More than likely, probably so. I talked to  
22 him about a lot of things.

23 Q. Okay. And you talked to him about when he  
24 left, he established the tabla, and who he put on  
25 the tabla; right?

1 A. Yes, sir.

2 Q. And you talked to him about the All Stars,  
3 Leroy Torres and the All Stars?

4 A. Yes, sir.

5 Q. You talked to him about Manuel Maldonado,  
6 Chaparro?

7 A. Yes, sir.

8 Q. And Chaparro is the guy that you hit when  
9 you were at MDC. Didn't kill him, but that was the  
10 fight that started the incident where you tried to  
11 take over the control area and -- was that right?

12 A. I did take over the control area. I took  
13 the Seg unit hostage and assaulted a CO; in the  
14 process I took the keys from him, got in the control  
15 center, popped the doors, yes.

16 Q. And prior to that -- or that was the same  
17 day as there was a fight with Chaparro, wasn't it?

18 A. Yes, sir.

19 Q. Okay, and --

20 A. It wasn't the same day. It was at the  
21 same time.

22 Q. Same time.

23 A. That was the whole reason why I was there  
24 in Seg, was to gain access to that individual.

25 Q. And that's Manuel Maldonado?

1 A. Yes, sir.

2 Q. Also known as Chaparro?

3 A. Yes, sir.

4 Q. And you believed him to be an informant;  
5 right?

6 A. No. He was a dropout for the SNM.

7 Q. Okay. He was a dropout, and that's why  
8 you guys wanted to hit him?

9 A. Yes.

10 Q. Beat him up pretty bad, didn't you?

11 A. Yes, sir.

12 Q. He got stabbed?

13 A. Yes, sir, a shank bent, but we attempted  
14 to murder him, yes.

15 Q. Okay. And just didn't succeed; he was  
16 able to live; right?

17 A. Yes, sir.

18 Q. And it was during that period of time when  
19 you took over the STG hostage. And that was a  
20 female; right?

21 A. Yes, sir.

22 Q. And you took her arms and you bent them  
23 behind her?

24 A. Yes, sir.

25 Q. Why did you do that?

1           A.     Because that was required for me from the  
2 SNM because I had got a huila, a mensaje, from one  
3 of my brothers that brought me in in the streets and  
4 told me, "Hey, this dude that we've been trying to  
5 get for a while, he's in Seg 3. If you can get to  
6 him, do it."

7                     And that's not the first time I got a  
8 mensaje and acted on it in the county jail. I've  
9 done it before, and that was all for the  
10 organization.

11           Q.     And that was something sanctioned by your  
12 leader, Styx; right?

13           A.     Not by Styx.

14           Q.     By who?

15           A.     Supported by some of the brothers within  
16 the organization. It's kind of a code that we live  
17 by.

18           Q.     Um-hum.

19           A.     When that code is broken, we know what  
20 needs to happen. We take matters into our own hands  
21 and handle things.

22           Q.     So it didn't come down from anybody; it  
23 just happened because all of the brothers knew that  
24 he was a dropout, so automatically there is a green  
25 light on him?

1           A.     Well, because the older brothers like Wild  
2 Bill and all them placed a hit on him until he  
3 became an All Star and dropped out.

4           Q.     Okay.

5           A.     So he's been green lighted for a long  
6 time, since the '90s.

7           Q.     Where is it in any of your reports, any  
8 report -- and I'll give them to you. You can look  
9 at those.

10          A.     I believe you. But I'm not an FBI agent.  
11 I don't write the reports. You're asking the wrong  
12 person about that.

13          Q.     And I want you to tell me anytime, ever,  
14 where you think that you may have said that Wild  
15 Bill put a hit on Manuel Maldonado.

16          A.     That's what was coming down from the older  
17 brothers back then in the '90s. He's had a hit on  
18 him for a long time.

19          Q.     Do you want to see the reports?

20          A.     I'm not an FBI agent. I don't write  
21 reports.

22          Q.     So the FBI agents aren't accurate when  
23 they write their reports?

24          A.     Again, you're asking the wrong person.

25          Q.     The very first time you've ever said that

1 is on May 10th, 2018. Because I represent Billy, is  
2 that why you're doing it?

3 A. Nothing personal here, sir.

4 Q. Do you want to take a shot at Billy  
5 because I'm being mean to you; is that it?

6 A. I'm not a coward that way, sir.

7 Q. So am I a coward?

8 A. I don't have nothing to say there.

9 Q. Let's go back to your report. So you're  
10 talking about the internal conflicts, you're talking  
11 about who takes control of the SNM, talking about  
12 who receives narcotics in prison. You talk about  
13 the fact that in that first interview that you  
14 wanted to kill Arturo Garcia because you wanted to  
15 seize power; right?

16 A. The politics had turned against Arturo  
17 Garcia at the time. And a lot of brothers were  
18 thinking he should be pushed out of the  
19 organization, and resulting in that would be  
20 murdering him.

21 Q. And you talked about the relationship  
22 between SNM and Burquenos and Crazy Town, Roswell;  
23 right?

24 A. Yes, sir.

25 Q. You talked about the disagreement that

1 erupted between you and Sleepy; right?

2 A. Yes, sir.

3 Q. You told Agent Acee -- Agent Acee is not  
4 in here today, this morning, but the same guy that  
5 sits over there at the end of that table; right?

6 A. Yes, sir.

7 Q. Who is Sleepy? What's his name?

8 A. Enrique Roybal. He's another SNM member  
9 that was X'd out for the situation that happened  
10 with me and my ex-wife.

11 Q. Your ex-wife, her name is Crystal; right?

12 A. Yes, sir.

13 Q. Crystal Salas?

14 A. Yes, sir.

15 Q. So you plotted to kill your ex-wife and  
16 Enrique Roybal because they were talking to each  
17 other, and you thought they had something going;  
18 right?

19 A. No, they did. It was an intimate  
20 relationship, which violated the rules of the SNM  
21 organization. And if I wouldn't have acted, it  
22 could have put me at risk.

23 Q. It probably violates a lot of other rules,  
24 too, but we have other rules in society that say if  
25 that rule is violated, the consequence is not death;



1 right?

2 A. That's not the way the SNM organization  
3 sees it, sir. We don't care about society rules or  
4 their laws. We make up our own rules and our own  
5 laws.

6 Q. That's evident.

7 A. Yes, sir. That's the way it goes in  
8 prison, with most prison organizations.

9 Q. So you were going to kill your ex-wife  
10 because of that; right?

11 A. No.

12 Q. You thought about it?

13 A. Yes.

14 Q. And Styx talked you out of it; right?

15 A. Yes.

16 Q. And he said, "Don't kill her, just hurt  
17 her"?

18 A. He just said, "Don't do nothing to her."

19 Q. Okay. But that wasn't what happened;  
20 right?

21 A. No, sir.

22 Q. In fact, tell me how long -- before you  
23 assaulted Crystal, how long was it before you -- or  
24 when did you get out of prison in relation to when  
25 you went after Crystal?

1 A. Probably about maybe a month.

2 Q. Okay. So you were only home a month and  
3 you weren't living at her house that whole time,  
4 were you?

5 A. No, sir.

6 Q. Sometimes you'd go over there and stay  
7 there. Did you have children with her?

8 A. Yes.

9 Q. How old were they at the time?

10 A. Young, about six or seven.

11 Q. And we're talking about November 2010,  
12 aren't we?

13 A. Yes, sir.

14 Q. She lived there; right? She had that  
15 house before you came out of prison?

16 A. Yes.

17 Q. And she lived there with the two kids?

18 A. Yes.

19 Q. And you went over to the house and you  
20 wanted her to give you some money, and she wouldn't  
21 give you the money; right?

22 A. That's false, sir.

23 Q. And you then took her car without her  
24 permission; right?

25 A. Again, that is false.

1 Q. You didn't steal her car --

2 A. No, sir.

3 Q. -- and leave?

4 A. No, sir.

5 Q. Did you leave in her car?

6 A. Yes, sir.

7 Q. You didn't have permission, did you?

8 A. No, sir.

9 Q. So let me get this straight. You take her  
10 car without permission, but that's not stealing it?

11 A. We were married. I helped her pay for  
12 that vehicle.

13 Q. You weren't living there full time, you'd  
14 been in prison for a long time.

15 A. Yes, sir.

16 Q. In fact, she'd been having an affair with  
17 somebody else?

18 A. Sleepy, Enrique Roybal.

19 Q. You didn't have any right to steal that  
20 car, did you?

21 A. I never stole the vehicle, sir.

22 Q. Okay. We can differ about that. When you  
23 take her car without her permission, that's an act  
24 of dishonesty. Wouldn't you agree with me?

25 A. She never said to take it or not take it.

1 Q. So you leave and you come back; right?

2 A. What I was doing was investigating the  
3 incident that was going on between her and Sleepy,  
4 Enrique Roybal.

5 Q. Whatever. So you take the car and you  
6 come back?

7 A. Yes, sir.

8 Q. And when you come back, you get into the  
9 house and you're mad and you punch her in the chest;  
10 right? First thing, first punch was in the chest?

11 A. I don't remember.

12 Q. You began to argue with her, you hit her  
13 in the chest, and then you started just tearing into  
14 her, and you beat the heck out of her like you were  
15 beating up some guy in prison; right?

16 A. Yes, sir.

17 Q. And you broke her -- you loosened her  
18 teeth, you broke the bridge, you cracked some ribs  
19 you broke a finger, you hurt her bad. She was taken  
20 away in an ambulance to the hospital, wasn't she?

21 A. Yes.

22 Q. Are you proud of that?

23 A. No, sir.

24 Q. That's what you had to do; right?

25 A. I was willing to go to that extent for my

1 organization at the time, yes.

2 Q. So that is an act that could be included  
3 in a RICO indictment as an act in furtherance of the  
4 S; right?

5 A. I don't know.

6 Q. We'll come back to that in a minute.

7 So you beat her up. She had to go to the  
8 hospital. And you told all of that stuff to Agent  
9 Acee; right?

10 A. Yes.

11 Q. You never got charged for that, did you?

12 A. No, sir.

13 Q. If you had stolen a car -- let me back up.  
14 You're familiar with the criminal code in New  
15 Mexico. You know what is against the law. You know  
16 what a fourth-degree felony is, a third-degree, a  
17 second, a first. You know all that stuff, don't  
18 you?

19 A. Do you?

20 Q. Do you want to trade places?

21 A. When you're married, and you and your  
22 spouse --

23 Q. No, no, no, no. Let's answer the  
24 question.

25 A. That's not stealing a vehicle.

1 Q. Okay. Let's leave that for a minute.

2 You're familiar with the laws in New  
3 Mexico fourth-degree felony, a third-degree, a  
4 second-degree, a first-degree, because you've  
5 committed all of those a number of times, haven't  
6 you?

7 A. Yes, sir.

8 Q. So you know what the punishment is for  
9 each of those felony degrees; correct?

10 A. On the state level, yes.

11 Q. So you get 18 months. You steal a car;  
12 right?

13 A. Yes, sir.

14 Q. And you beat somebody up, aggravated  
15 battery, great bodily harm; aggravated battery that  
16 could result in death. That's going to get you  
17 three years; right?

18 A. Yes, sir.

19 Q. Do you think there is any judge in New  
20 Mexico -- or this was in Albuquerque -- do you think  
21 there is any judge in district court in Albuquerque  
22 that wouldn't give you those three years if they  
23 read what you did to your wife?

24 A. I can't say. I'm not them.

25 Q. Okay. I have to believe that you would

1 get those, don't you agree?

2 A. Yes, sir.

3 Q. It's one thing to come over here and beat  
4 me up. But it's another thing to beat up your wife,  
5 the mother of your children, and you're proud of it,  
6 too?

7 A. No, I'm not proud of it.

8 Q. So you tell Agent Acee about that stuff.  
9 You tell him about narcotics trafficking that you  
10 know of. You tell him about Chacon, who was an SNM  
11 captain on the streets and he was selling heroin,  
12 and how you assisted in that operation, and you were  
13 doing it for the brotherhood; right?

14 A. Yes.

15 Q. You told him about that?

16 A. Yes, sir.

17 Q. That's another overt act that could get  
18 you into the RICO indictment, isn't it?

19 A. Yes, sir.

20 Q. SNM business; right?

21 A. Yes, sir.

22 Q. You told him about the Say No More ladies?

23 A. Zia ladies.

24 Q. The Zia ladies?

25 A. Yes, sir.

1 Q. Say No More, SNM; right?

2 A. Yes, sir.

3 Q. You talked to him about programming. You  
4 talked to him about SNM murders. And he probably  
5 asked you the question, "Well, tell me about SNM  
6 murders that you know of." And then you responded,  
7 "George Jaramillo." And George was the president of  
8 Rollers Only Gang in Albuquerque, wasn't he?

9 A. Yes, sir.

10 Q. And George got killed; right?

11 A. Yes, sir.

12 Q. And you told him how you thought that went  
13 down; right?

14 A. Yes.

15 Q. Who killed him, what his wife may have had  
16 to do with that. You told him all those sorts of  
17 things; right?

18 A. Yes, sir.

19 Q. And then you talked about the murder of  
20 Choo Choo, that was Michael Giron; right?

21 A. Yes, sir.

22 Q. And how he was killed by Richard Gallegos,  
23 and you told him the details about that; right?

24 A. Yes, sir.

25 Q. Then you went on and you told him about



1 Babalu, how he was killed in Hobbs; right?

2 A. Yes, sir.

3 Q. You told him the details about that?

4 A. Yes, sir.

5 Q. You did not give him any details  
6 whatsoever about any murder that occurred in 2001 at  
7 Southern New Mexico Correctional Facility, did you?

8 A. I don't know any did at that time. I  
9 don't recall.

10 MR. COOPER: May I approach the witness,  
11 Your Honor?

12 THE COURT: You may.

13 BY MR. COOPER:

14 Q. Mr. Cordova, have you had the occasion to  
15 look at a report that might refresh your  
16 recollection as to whether or not you said anything  
17 about the Looney and Garza murders?

18 A. Yes, sir. Like I said, I'm not an FBI  
19 agent.

20 Q. I know you're not an FBI agent, and you're  
21 never going to be one. But there is nothing in this  
22 report, is there, that says that you told Agent Acee  
23 about any murders that occurred in --

24 A. Is there anything in a later report that I  
25 stated that?

1 Q. We're going to get to those. I'll give  
2 you the opportunity.

3 A. We did numerous debriefings. Also  
4 remember that.

5 Q. And I've got them all right here. We're  
6 going to --

7 A. How long was I an SNM member? Do you know  
8 how much information I had to give them? It went  
9 over a period of time.

10 Q. I'm sure it did. And we're going to talk  
11 about when you might have said anything about that.  
12 Okay?

13 A. Yes, sir.

14 Q. So in this -- and this report actually  
15 refers -- it's a report that's written relative to  
16 the January 4 and January 7 interviews conducted by  
17 Agent Acee. And you know on the 4th you went from  
18 1:00 until 3:00. So you spent two hours with him on  
19 the 4th; right?

20 A. Yes, sir.

21 Q. You talked to him about the Shane Dix  
22 murder, didn't you?

23 A. Yes, sir.

24 Q. You talked to him about George Jaramillo.  
25 We've already talked about that. You talked to him

1 about the Sammy Chavez murder; right?

2 A. Yes, sir.

3 Q. You talked to him about the Anthony  
4 Apodaca Popeye murder; right?

5 A. Yes, sir.

6 Q. That's the hotshot?

7 A. Yes, sir.

8 Q. That was a murder that was -- that you  
9 wanted to go retaliate against one of the guys that  
10 brought you in. What was his name?

11 A. It wasn't retaliation against him. We  
12 didn't know who had murdered Popeye at the time.

13 Q. Who am I thinking of? What's the guy's  
14 name?

15 A. Netavio Garcia. But I never went to  
16 retaliate against him. We were going to retaliate  
17 for the murder. But once we found out it was an  
18 inside hit in the organization, we had to leave it  
19 alone. That's what --

20 Q. You left it alone because Styx said he has  
21 to go; right?

22 A. Styx didn't tell me that.

23 Q. We're going to get to that, too.

24 You talked about the 2005 hotshot on  
25 Julian Mora at MDC. That was an LC hit; right?

1 A. Yes, sir.

2 Q. You talked about a female whose body was  
3 dumped in the South Valley?

4 A. Yes, sir.

5 Q. You talked about Styx called a hit on  
6 Popeye?

7 A. Yes.

8 Q. You talked about the fact that Styx called  
9 a hit on Daffy; right?

10 A. Netavio Garcia? I don't know about that.

11 Q. It could be James Garcia, too, couldn't  
12 it?

13 A. Maybe, but I don't recall that.

14 Q. But would it surprise you that there is a  
15 notation in the handwritten notes that says Styx  
16 called a hit on Daffy?

17 A. I can't --

18 Q. That would have come from you; right?  
19 Because nobody else was in the room where you were  
20 talking and being interviewed by Agent Acee; right?

21 A. Didn't come down from Styx. It came down  
22 from Davino on the outside.

23 Q. Okay. But I guess my question is that any  
24 of these notations come from information that you  
25 gave, not that anybody else might have given; right?

1           A.     That I gave? I'm here telling you the  
2 information that I know by firsthand knowledge.

3           Q.     Okay. And I'm asking the question. And  
4 the question is: If there is information in this  
5 report, would the information necessarily have come  
6 from you, or are from some other informant?

7           A.     I don't know. I didn't write that report.

8           Q.     Is there a reason that you were really  
9 cooperative with the people who sit at this table  
10 and you're not cooperative with me? You don't like  
11 me, do you?

12          A.     You're asking me questions that I can't  
13 answer.

14          Q.     Okay. You talked about your friends,  
15 people that you disliked. You talked about David  
16 Chavez, Wachee. You talked about Dreamer, Dale  
17 Chavez. You talked about Roo Dog, Rudy Perez;  
18 right?

19          A.     Yes, sir.

20          Q.     And --

21          A.     And those weren't people I didn't like.  
22 Those were brothers of mine.

23          Q.     You talked about Lazy.

24          A.     Yes, sir.

25          Q.     Carlos Herrera. You talked about Carlos

1 Herrera's mom?

2 A. Yes, sir.

3 Q. You talked about how you showed her how to  
4 make cards to put 15 to 20 hits of Suboxone on a  
5 card; right?

6 A. Yes, sir.

7 Q. You showed her how to smuggle the Suboxone  
8 into the prison; right?

9 A. Yes, sir.

10 Q. All of that stuff are acts that get you  
11 into the RICO indictment; right?

12 A. Those are things I admitted to, yes.

13 Q. Okay. And you knew at the time you were  
14 admitting it to him, you knew that the RICO  
15 indictment investigation was pending, and in fact,  
16 you know that on April 21, 2016, 12 individuals got  
17 indicted and charged with racketeering conspiracy,  
18 violent crimes in aid of racketeering and conspiracy  
19 to murder. You know that, don't you?

20 A. I heard of it.

21 Q. And you gave all this information because  
22 you didn't want to be number 13 in this indictment;  
23 right?

24 A. One of the reasons.

25 Q. Because you knew that this indictment was

1 going to result in a life sentence; right?

2 A. Ain't the first time I fought a life  
3 sentence.

4 Q. And you're proud of that, too, aren't you?

5 A. Well --

6 Q. Pardon me?

7 A. I'm proud of the honor I had when I was  
8 loyal to the organization, the kind of person I was.  
9 I had morals. I had standards.

10 Q. You had morals?

11 A. Yes, sir.

12 Q. Really?

13 A. The way I was, yes, I did; loyal to a  
14 cause; which I could have been loyal to something  
15 else. That was a lot better.

16 Q. You talked about Roo Dog, you talked about  
17 Lazy, you talked about Geraldine, you talked about  
18 those seven murders that I just read off. Never  
19 once did you talk about the murders in 2001, did  
20 you?

21 A. At that time, I guess not.

22 Q. Okay. When you walked back into Crystal's  
23 house, didn't she have the expectation that you  
24 would not hit her?

25 A. I don't know.

1 Q. You don't know?

2 A. (Witness shakes head.)

3 Q. We all should have the expectation that  
4 this is our space and nobody should invade that  
5 space; right?

6 A. I agree.

7 Q. And for you to walk into her house and  
8 start beating up on her, that invades that space,  
9 and that's an act of dishonesty, isn't it?

10 A. At that time I felt because she had broke  
11 the rules of the organization.

12 Q. I get it, I get it. She broke the rules.  
13 She wasn't an SNM member, was she?

14 A. No, sir.

15 Q. Okay. So she's not bound by the rules of  
16 the organization. Maybe Enrique was, maybe you are?

17 A. Well, I let her know part of being with  
18 me -- I let her know the truth about the lifestyle  
19 and what was expected of her from me before we got  
20 married, and she agreed upon it.

21 Q. And she also told you that "I expect not  
22 be abused. I expect not to be assaulted and  
23 killed"; right?

24 A. She never told me that.

25 Q. No, but you don't think she felt it?



1           A.     She got involved at that time with  
2 dangerous individuals and involving a very serious  
3 organization which she knew breaking the rules could  
4 result in death.

5           Q.     And you're very proud of that; right?

6           A.     At this time, no; but then, yes.

7           Q.     But it was dishonest to walk into her  
8 house and proceed to just kick the heck out of her;  
9 right?

10          A.     At those times, no, because she was  
11 dishonest to me, disrespecting me and the  
12 organization.

13          Q.     Were you guys married at the time?

14          A.     Yes, sir.

15          Q.     It's not cool, I'll grant you that; if you  
16 take a vow to be somebody's husband, to be  
17 somebody's wife, you ought to honor that vow. I get  
18 that. But when you break that vow -- and that vow  
19 is broken thousands and thousands of times all  
20 across this country, probably?

21          A.     With civilians, yes, sir.

22          Q.     But people don't get killed for that,  
23 people don't get beat up for that.

24          A.     Those people are probably not involved in  
25 organizations like SNM.

1 Q. So the next time you met with Agent Acee  
2 was February 9, 2016. And you again talked about  
3 the Molina murder. Were you ever considered  
4 somebody that might have something to do with the  
5 Molina murder?

6 A. Yes, sir.

7 Q. Jesse Sosa. You talked about him. You  
8 talked more about Geraldine Herrera. You talked  
9 about Carlos and Pup and their wives passing drugs  
10 and that sort of stuff. You talked about the Rascon  
11 brothers. You talked about Pup's plan. The Zia.  
12 You talked about that a little bit. You talked  
13 about Willie Romero and how he smuggles narcotics  
14 into federal penitentiaries. You talked about the  
15 Popeye murder. But on February 9th, you didn't talk  
16 about the Garza and Looney murders, did you?

17 A. No, sir.

18 Q. Popeye was from Barelas; right?

19 A. To my knowledge, yes.

20 Q. Julian Garcia (sic) is from Barelas;  
21 right? I mean Julian Romero.

22 A. To my knowledge, yes.

23 Q. Popeye was the main spokesman for the --  
24 how do you call -- for the Barelas Gang, for that  
25 faction; right?

1 A. To my knowledge, yes.

2 Q. Okay. Because of the Styx/Julian Romero  
3 viaje, because of that problem, Styx didn't like the  
4 Barelás guys, did he?

5 A. He never mentioned that to me. I don't  
6 know.

7 Q. But the Barelás brothers mostly supported  
8 Julian. And everybody else supported Styx, is  
9 pretty much what you're saying?

10 A. What they supported is that Julian broke  
11 the rules, and Styx needed to handle it, but they  
12 were going to stay out of it because it wasn't an  
13 onda issue. It was a man disrespecting another man.  
14 The same way your client felt.

15 Q. Did -- the same way that my client felt?

16 A. Yes. Billy García.

17 Q. Um-hum.

18 A. That's what he stated to me in Seg 3, when  
19 I went to him. It's kind of like little brother  
20 going to big brother. You ask him, "Hey, carnal,  
21 check this out. I got a huila Styx sent to me to  
22 ride with Styx with Charlie, carnal. You stay out  
23 of that." I say, "Well, check it out, bro. Break  
24 the rules?"

25 Q. So he was acting kind of as a peacemaker

1 to get you to stay out of things, wasn't he?

2 A. Well, not a peacemaker.

3 Q. No. Sounds like it to me.

4 A. He was --

5 Q. Have you ever heard this term: If you're  
6 not with me, you're against me?

7 A. Yes.

8 Q. That comes from Styx; right?

9 A. That comes from the organization, period.

10 Q. Okay. And if you're not with Styx, you're  
11 against him; right?

12 A. If you're not with the SNM, you're against  
13 us. That's how we see it. We're the elite in the  
14 prison system.

15 Q. Popeye was a threat to Julian Garcia  
16 (sic). Poor Julian Garcia. I shouldn't do that to  
17 him. But was a threat to Julian?

18 A. Any man who's disrespecting within the  
19 organization and takes it, brothers look at him as  
20 weak.

21 Q. So the next time -- that was February 9th.  
22 The next time you meet with Acee is February 16.  
23 And you met with -- actually, on that date you met  
24 with Agent Neale, Sainato, Task Force Officers Cupit  
25 and Martin at the Albuquerque FBI office. Do you

1 remember that, February 16 of 2016?

2 A. I don't know the exact date, but I know I  
3 met with them numerous times. I don't keep track of  
4 dates.

5 Q. How many times did you meet at the FBI  
6 offices?

7 A. I don't even know, to be honest with you.

8 Q. Most of the time would they come get you  
9 from the jail and transport you to FBI offices?

10 A. Get me from the prison, yes.

11 Q. Or from prison?

12 A. Yes, sir.

13 Q. Okay. And here you talked about a  
14 conspiracy among SNM members at the Penitentiary of  
15 New Mexico to attack correction officers and control  
16 or gain control of the control towers, take over the  
17 facility. This was in March of 2015?

18 A. Yes.

19 Q. Right?

20 A. Yes, sir.

21 Q. That's kind of like what you tried to do  
22 when you took over the control room. I don't know  
23 if you were going to take over the whole facility,  
24 but you were at least taking over that pod, weren't  
25 you?

1 A. Yes, sir.

2 Q. Were you one of the main guys trying to  
3 take over SNM -- or PNM on this conspiracy to take  
4 over the prison?

5 A. We have a saying: One brother goes, we  
6 all go.

7 Q. Okay. And this was in March of 2015;  
8 right?

9 A. Again, like I said, I don't take notes.

10 Q. Billy Garcia was not in custody in March  
11 of 2015, was he? He was on the streets?

12 A. I don't know. I don't know.

13 Q. He got out; right?

14 A. March of 2015?

15 Q. Yeah. He was already out?

16 A. 2015?

17 Q. Yeah.

18 A. What are you getting about with that date?

19 Q. That's when they tried to take over,  
20 according to you, the prison; or there was a  
21 conspiracy among SNM members at PNM to attack  
22 correction officers, gain control of the towers, and  
23 take over the facility. That happened in March of  
24 2015?

25 A. I don't know the exact date, but I know

1 around that year we were planning to do that, yes,  
2 sir.

3 Q. Right after that, Baby Rob renounced and  
4 the plan went away; right?

5 A. I don't know if it went away, but --

6 Q. Didn't happen?

7 A. Didn't happen. Never got the chance.

8 Q. So on this date, you talked about that,  
9 you talked about the murder of Animal by Frederico  
10 Munoz and Leonard Lujan; right?

11 A. Yes, sir.

12 Q. You talked about some Banditos gang  
13 members. But never once did you talk about the 2001  
14 Looney/Garza murders, did you? You didn't mention  
15 Billy Garcia in that report, did you?

16 A. I guess not.

17 Q. You then met on July 12, 2016. You talked  
18 about the Sammy Chavez murder, didn't you?

19 A. Yes, sir.

20 Q. And you were a suspect in that murder,  
21 weren't you?

22 A. Yes, sir.

23 Q. In fact, you gave a lot of advice to one  
24 of your brothers on how to accomplish that murder,  
25 didn't you?

1 A. Yes, sir.

2 Q. You talked about what you needed to do,  
3 how he should do it to avoid detection, to avoid  
4 getting caught. You even talked about how he should  
5 clean the bullets before he puts them in the  
6 magazine; right?

7 A. Yes, sir.

8 Q. You didn't want any fingerprints on any of  
9 the shells?

10 A. Yes, sir.

11 Q. You even talked about how he should, at  
12 the end of the thing, take his car to the car wash,  
13 spray it with water and soap, wash the outside, and  
14 when you put the quarters into the machine, you  
15 wanted him to clean the quarters so there would be  
16 no fingerprints on the quarters; right?

17 A. Yes, sir.

18 Q. I mean, you went to great, great detail,  
19 from putting the shells in the firearm to the  
20 quarters in the car wash, and everything in between.  
21 And you talked a lot about what you needed to do to  
22 kill that guy; right?

23 A. Yes, sir.

24 Q. And Sammy was eventually murdered, wasn't  
25 he?



1 A. Yes, sir.

2 Q. At the time he was murdered, were you in  
3 custody?

4 A. Yes, sir.

5 Q. So they're not going to get you with  
6 actually doing the deed, are they?

7 A. No, sir.

8 Q. Sounds like you conspired to commit that  
9 murder, though, doesn't it?

10 A. Yes, sir.

11 Q. You talked a little bit about the murder  
12 of the unknown Los Carnales gang member; right?  
13 Didn't know what his name was, but you and Boxer,  
14 Anatasacio Amador; right?

15 A. Yes, sir.

16 Q. You guys you actually did the deed there,  
17 didn't you?

18 A. Yes, sir.

19 Q. You knew that he was in the neighborhood,  
20 he was dealing drugs he shouldn't have been and he's  
21 an LC, and there is an open hit on every LC; right?

22 A. Yes, sir.

23 Q. Green light from day one when you see an  
24 LC. If you're at the barber shop, an LC drives up,  
25 "Where are you from?" He says, "LC," you kill him;

1 right?

2 A. It's on sight, you kill him.

3 Q. On sight. Every LC should be killed,  
4 according to your rules; right?

5 A. As a matter of fact, those rules were made  
6 by your client, Wild Bill Garcia.

7 MR. COOPER: I'd move to strike that.  
8 There is no question.

9 THE COURT: Well, I'll strike. It's  
10 nonresponsive to the question. The jury will not  
11 consider that additional response. Mr. Cooper.

12 MR. COOPER: Thank you, Judge.

13 BY MR. COOPER:

14 Q. So if an LC drives up to a barber shop,  
15 announces he's LC, shows his tats, or whatever, you  
16 don't need paperwork coming from someplace to  
17 authorize that hit, do you?

18 A. No.

19 Q. Boom?

20 A. That's what the older brothers demanded  
21 from us.

22 Q. Okay. And likewise, if there is an LC  
23 that you know that's selling drugs in the  
24 neighborhood and trying to encroach upon your area,  
25 you don't need paperwork to hit him. You do it

1 without that paperwork, and you do it on sight.

2 It's a standing order to hit LCs; right?

3 A. Yes, sir.

4 Q. And the same with snitches?

5 A. Yes, sir.

6 Q. Here you talk again about the Shane Dix  
7 murder. In fact, you conspired to murder Shane Dix  
8 too, didn't you?

9 A. In a way, you could say, I guess.

10 Q. Okay. Christopher Garcia paid you and  
11 Mario Montoya to kill Shane Dix; right? But before  
12 you could actually do it, you got arrested and  
13 incarcerated, so you couldn't carry out the murder;  
14 right?

15 A. Yes.

16 Q. But you agreed to do it?

17 A. Yes, sir.

18 Q. Michael Giron. You talked about that  
19 murder. You talked about drug-trafficking history.  
20 You moved a lot of dope in your day, didn't you?

21 A. Yes, sir.

22 Q. In 2005, you started selling for Chris  
23 Garcia, six ounces of crack at a time; then it got  
24 to nine ounces at a time; correct?

25 A. Yes, sir.

1 Q. In fact, you would go around town -- one  
2 time he gave you \$1,500, and you went all around  
3 town and bought up as many Mr. Coffee coffee pots as  
4 you could; right?

5 A. Yes, sir.

6 Q. And you did that because Chris would make  
7 the crack cocaine; correct?

8 A. Yes, sir.

9 Q. And you filled up -- \$1,500 buys a lot of  
10 Mr. Coffees. Do you remember how many it was?

11 A. I think that day, about maybe four days,  
12 five days, we cooked up about 50 keys of crack.

13 Q. Fifty kilos of crack?

14 A. Yes, sir.

15 Q. A kilo is 2.2 pounds; right?

16 A. Yes, sir.

17 Q. So that's over 100 pounds of crack  
18 cocaine. And then you guys sold it; right?

19 A. Yes, sir.

20 Q. I have to believe, don't you, that selling  
21 100 pounds of crack cocaine over four days -- or  
22 making it and then selling it -- and you did that  
23 for the S; right?

24 A. Yes, sir.

25 Q. That gets you into the RICO conspiracy,

1 doesn't it?

2 A. Yes, sir.

3 Q. So in 2005 you were selling six ounces of  
4 crack, then nine ounces of crack every two or three  
5 days for most of 2005, and up to January and  
6 February of 2006, isn't that true?

7 A. Yes, sir.

8 Q. Every two or three days you would sell  
9 nine ounces of crack cocaine. And where would you  
10 be selling that?

11 A. I had my neighborhood, a lot of youngsters  
12 from my gang working for me.

13 Q. A lot of youngsters selling to a lot of  
14 youngsters; right?

15 A. They were selling to drug addicts.

16 Q. And are you saying that drug addicts are  
17 not youngsters?

18 A. Drug addicts don't have an age. It can be  
19 youngsters.

20 Q. They don't, they don't. And when did you  
21 first start using drugs?

22 A. I started using heavy drugs when I became  
23 a syndicato. The mild drugs were, like, doing  
24 lines, just smoking bud or drinking, probably about  
25 as young as the age of nine, six years old.

1 Q. Mild drugs, that's --

2 A. Weed.

3 Q. Smoking bud, weed, marijuana; right?

4 A. Yes, sir.

5 Q. Okay. When you were nine years old?

6 A. I was younger than that.

7 Q. What about crack cocaine?

8 A. I used crack cocaine probably till I was  
9 about 2010, '11.

10 Q. Okay. But you know a lot of young kids  
11 use crack cocaine -- or used, back in the day;  
12 right?

13 A. Do I know any, or do I know?

14 Q. Do you know that they did? A lot of young  
15 people used crack?

16 A. Yeah, of course. Drug addicts come in all  
17 ages.

18 Q. Okay. And you weren't very discerning;  
19 you would sell to whoever; right? If they wanted  
20 it, you'd sell it to them?

21 A. Yeah. Not kids, though.

22 Q. That's good. So there was one time when  
23 you brought two or three hundred pounds of heroin  
24 from Mexico. Do you remember that?

25 A. Yes, sir.

1 Q. 200 to 300 pounds of heroin. That would  
2 get everybody at PNM high for a long time, no?

3 A. I believe it would.

4 Q. How long is a long time? Tell these  
5 people.

6 A. I don't know how long a long time is.

7 Q. But for a long, long time, two to three  
8 hundred pounds of heroin, and you did that for the  
9 S; right?

10 A. Correct.

11 Q. Another way to get you into the indictment  
12 that gives you a life sentence; right?

13 A. Yes, sir.

14 Q. December of 2015, you again met with the  
15 FBI agents. And this report is almost all about  
16 2015? '17, I'm sorry. My apologies. December 15,  
17 2017. We're now in --

18 A. '18, all right.

19 Q. Okay. So just right before this past  
20 Christmas; right?

21 A. Yes, sir.

22 Q. And this report, and all of the  
23 handwritten notes taken by the agents during your  
24 meeting with them, there is nothing in here about  
25 Billy Garcia, there is nothing in here about the

1 Looney and Garza murders in 2001; right?

2 A. I guess not.

3 Q. Because you didn't talk to anybody about  
4 that, did you? And in fact, in here and each  
5 time -- well, let me back up. This was a telephonic  
6 interview. You must have been housed wherever you  
7 are, the Department of Corrections or wherever you  
8 were at that time, and Acee and your lawyer, John  
9 Samore, were at John's office and they conducted a  
10 telephonic interview. Do you remember that?

11 A. Yes, sir.

12 Q. And that is the first time that you ever  
13 gave any significant details about the Molina  
14 murder; right?

15 A. No, we'd been talking about that murder  
16 for a while.

17 Q. But not much. You had mentioned it, but  
18 it would be a two-sentence paragraph, two sentence,  
19 but you spent a lot of time talking about the Molina  
20 murder in this one; right?

21 A. Yes, sir, I believe so.

22 Q. You then had another shorter meeting about  
23 a couple of defendants in the Molina murder. You  
24 had that on January 24. Then April 2, 2018, you  
25 have another what's called a pretrial interview,



1 April 2. This trial started on April 9. So it was  
2 one week before this trial commenced. And at that  
3 time you put stuff in this report. You tell Agent  
4 Acee one week before this trial commenced, before  
5 these people have to come in and sit downstairs and  
6 wait to be called up and go through this voir dire  
7 and ultimately get selected for this trial, one week  
8 before that, you meet with Randy Castellano, Nancy  
9 Stemo, and you talk about things. And it's not  
10 until then that you ever mention that you had any  
11 conversations with Billy Garcia. And you say that  
12 you had those conversations when you were a young,  
13 one-year-into-the-organization kid who went up and  
14 in a very disrespectful manner --

15 A. Not disrespectful.

16 Q. -- had a conversation with Billy Garcia  
17 and Billy said, "Oh, yeah, this is what I did."  
18 That just doesn't make sense, does it?

19 A. A younger brother asking an older brother  
20 for guidance, yeah.

21 Q. And so you had that conversation, you told  
22 these people who sit at this table -- you told them  
23 one week before we get to trial, "Oh, yeah, this is  
24 what Billy said"; right?

25 A. Yes, sir.

1 Q. Do you have hep C?

2 A. Yes, sir.

3 Q. Are you positive for HIV?

4 A. No, sir.

5 Q. And those were body fluids that you threw  
6 at the guard on the 17th. Let me see if I have it  
7 here.

8 MR. CASTELLANO: April 17, 2018.

9 Q. On April 17, 2018; right?

10 A. That's incorrect. I'm accused of throwing  
11 liquid. I was drinking out of my cup, out of my  
12 drinking cup, is what I'm accused of.

13 Q. You know who Michael Astorga is, don't  
14 you?

15 A. Yes, sir.

16 Q. And Michael Astorga is the man who was  
17 accused of shooting and killing Deputy Sheriff  
18 McGrane in Bernalillo County; right?

19 A. Yes, sir.

20 MR. CASTELLANO: May we approach on this?

21 THE COURT: You may.

22 (The following proceedings were held at  
23 the bench.)

24 MR. CASTELLANO: I don't know if I'm  
25 necessarily going to object to this line of

1 questioning, but I want to let the Court know this  
2 topic deals with Mr. Cordova being present at the  
3 Astorga trial. Anthony Pup Baca asked him to be  
4 there basically for the purpose of intimidating  
5 jurors and following jurors so they would know about  
6 an SNM presence at the trial.

7 So it's up to him whether he wants to  
8 bring that up, but it could scare the jurors in this  
9 case, so I just want to --

10 THE COURT: Can we leave out why he's  
11 there? If you need to get into the other things,  
12 but as to why he's there, do you want to get into  
13 that?

14 MR. COOPER: That's why I was going to do  
15 it. I mean, just, but --

16 THE COURT: For intimidation of the  
17 jurors? Can it be, was he there for intimidation of  
18 witnesses or anything?

19 MR. COOPER: That was the sole purpose, to  
20 intimidate jurors. And quite frankly, Judge, I've  
21 struggled with this line of questioning. I think  
22 it's appropriate. I think it certainly -- he went  
23 there for the purpose of trying to do that. He was  
24 then arrested and it ultimately didn't happen. But  
25 that's who this guy is, and I think that I may need

1 to explore that.

2 THE COURT: Well, if you don't have any  
3 objection; it's your call.

4 MR. CASTELLANO: We do not object. We  
5 think it's a fair question. We just wanted to let  
6 everybody know the potential impact of the line of  
7 questions.

8 THE COURT: It's your call.

9 MR. COOPER: May I have just a couple of  
10 moments to talk with folks?

11 THE COURT: Yeah, sure. Get over there.

12 MR. BLACKBURN: Who is he going to say  
13 told him to go do that?

14 MR. CASTELLANO: Pup, Anthony Baca.

15 THE COURT: That's the one person you  
16 don't represent. Just relax.

17 MR. CASTELLANO: This is non-Arturo, for  
18 the record.

19 MR. BLACKBURN: Well, you never can tell,  
20 Judge.

21 THE COURT: Pop the popcorn and watch.

22 MR. BLACKBURN: I wish it was that easy.

23 THE COURT: Why don't y'all stand over  
24 there.

25 MR. COOPER: Thank you, Judge.

1 (The following proceedings were held in  
2 open court.)

3 THE COURT: They're going to huddle just a  
4 moment here.

5 All right, Mr. Cooper.

6 MR. COOPER: May it please the Court?

7 THE COURT: Mr. Cooper.

8 MR. COOPER: Thank you, Judge.

9 BY MR. COOPER:

10 Q. So you know Michael Astorga?

11 A. Yes, sir.

12 Q. He was a brother?

13 A. Yes, sir.

14 Q. He was charged with the murder of a deputy  
15 sheriff in Bernalillo County; correct?

16 A. Yes, sir.

17 Q. And is he still a brother?

18 A. He's an ex-brother.

19 Q. An ex-brother. Did he renounce?

20 A. No.

21 Q. So you were sent to watch his trial,  
22 weren't you?

23 A. Yes, sir.

24 Q. And you weren't sent there by Billy  
25 Garcia, were you?

1 A. No, sir. This is, what, 2010? Yeah.

2 Q. And in fact, you were not sent there by  
3 anybody in this room, were you?

4 A. No, sir.

5 Q. But you were sent there for the sole  
6 purpose of intimidating participants in that trial,  
7 weren't you?

8 A. Yes, sir.

9 Q. You had no problem in trying to influence  
10 the way that trial went; right?

11 A. No, sir.

12 Q. Were you ever charged with trying to -- or  
13 with conspiring to influence that trial?

14 A. No, sir.

15 Q. When you do something like that, that  
16 would get you into this indictment; right?

17 A. Yes, sir.

18 Q. And a lot of things, SNM-wise, get you  
19 into this indictment; right?

20 A. Yes, sir.

21 Q. And I'm referring to the RICO indictment.  
22 Not the indictment that we're charged with here, but  
23 the one that came down April 21, 2016; right?

24 A. Yes, sir.

25 Q. And we've talked about overt acts; right?

1 A. Yes, sir.

2 Q. And isn't it true that it's an overt act  
3 to join an SNM Gang?

4 A. A violent organization, yes, sir.

5 Q. And isn't it true that it's an overt act  
6 to, while in the custody of New Mexico Corrections  
7 Department, assault an inmate?

8 A. Yes, sir.

9 Q. Likewise to assault STIU, a corrections  
10 officer?

11 A. Yes, sir.

12 Q. It's an overt act that subjects you to  
13 some penalties RICO-wise for possessing cocaine for  
14 sale?

15 A. Yes, sir.

16 Q. For possessing a firearm and robbing a  
17 victim who could be any employee of any business?

18 A. To further the organization, yes, sir.

19 Q. In furtherance of the organization; right?

20 A. Yes, sir.

21 Q. And when you try to further the  
22 organization, the SNM, and you participate in a  
23 driveby shooting targeting a rival drug dealer, that  
24 gets you into this RICO indictment, doesn't it?

25 A. Yes, sir.

1 Q. When you possess a homemade shank, a  
2 weapon, that gets you into the indictment; right?

3 A. Yes, sir.

4 Q. When you meet with other SNM Gang members  
5 and develop a plan to murder an inmate -- Chaparro,  
6 for instance -- that gets you into this indictment,  
7 doesn't it?

8 A. Yes, sir.

9 Q. While you're incarcerated and you  
10 formulate a plan to murder a gang member because you  
11 believe that he's an informant -- again Chaparro;  
12 right -- it gets you into this --

13 A. I never believed he was an informant.

14 Q. Excuse me, a dropout.

15 A. Yes, sir.

16 Q. So an informant gets you in here. A  
17 dropout murder conspiracy gets you in here; right?

18 A. Yes, sir.

19 Q. Beating the heck out of your wife for the  
20 S gets you in here, doesn't it?

21 A. Yes, sir.

22 MR. COOPER: I have no further questions,  
23 Your Honor. Thank you.

24 THE COURT: Thank you, Mr. Cooper.

25 Anyone else? Mr. Granberg.



1 CROSS-EXAMINATION

2 BY MR. GRANBERG:

3 Q. Hello, Mr. Cordova. My name is John  
4 Granberg. I represent Christopher Chavez.

5 A. Nice to meet you, sir.

6 Q. Good to meet you, too.

7 So let me ask some preliminary questions  
8 here. All right? You've been a member since 2003;  
9 is that correct?

10 A. Yes.

11 Q. But you never really renounced; you just  
12 sort of left and started informing, cooperating with  
13 the FBI; is that correct?

14 A. That's considered leaving.

15 Q. Okay. And when would you say that date  
16 started?

17 A. Sometime in the beginning of 2016.

18 Q. 2015?

19 A. '16. I don't know the exact date.

20 Q. Okay. But you never became disillusioned  
21 with the SNM, you never became Christian; you just  
22 left; correct?

23 A. Yes, sir.

24 Q. So you are still essentially a prison  
25 gangster; correct?

1 A. No, sir.

2 Q. You didn't become Christian?

3 A. I'm an FBI informant, rat, so due to  
4 prison politics, prison gangs, I'm considered the  
5 worst.

6 Q. You are still a wolf in sheep's clothing,  
7 if that's what you're describing?

8 A. What I am is, I'm a work in progress that  
9 just don't no longer want to live that lifestyle.

10 Q. A work in progress?

11 A. Yes, sir.

12 Q. You said yesterday that there is no trust,  
13 no loyalty in the SNM; correct?

14 A. Well, that's how they get you in. They  
15 say it's brotherhood. They say this is what we're  
16 about, carnal; you're being honorable by  
17 representing the state. Once you get inside, you  
18 see that rule is broken, and you see that everything  
19 is done for self-benefits. They use up all the  
20 other street gangs like they're nothing and throw  
21 them away, all the youngsters. They mislead them.  
22 In other words, they enslave us into bondage.  
23 That's what I was doing to other youngsters.

24 Q. So does that describe the SNM, or does  
25 that describe you?

1 A. It describes the organization.

2 Q. It also describes you; correct?

3 A. It was me at one time, yes, sir.

4 Q. And going back to the Astorga trial, you  
5 were there to intimidate participants in the trial;  
6 correct?

7 A. Yes, sir.

8 Q. Participants would be anyone in this room?

9 A. Yes, sir.

10 Q. So in addition to lack of trust, lack of  
11 loyalty, would you consider yourself dangerous?

12 A. Explain yourself.

13 Q. Would you describe yourself as a dangerous  
14 guy?

15 A. I can be dangerous, yes, sir.

16 Q. Would you consider yourself a threat to  
17 the community?

18 A. As of now, no.

19 Q. Would you consider yourself a threat to  
20 society?

21 A. As of now, no.

22 Q. You can turn it on and off like a light  
23 switch; right?

24 A. Most of what we do is controlled violence.  
25 We do it because of the rules of the organization.

1 That's what it requires from us. We gain respect  
2 out of fear, not out of respect.

3 Q. But the SNM doesn't control you. You  
4 control you; correct?

5 A. At one time SNM did.

6 Q. So you are the only person that can  
7 control that light switch; correct? Yes or no?

8 A. You're part of an organization. You're  
9 required to hold yourself to a certain standard.

10 Q. You're not part of that organization  
11 anymore?

12 A. Exactly.

13 Q. So it's all up to you. And you are the  
14 only one that controls that switch; correct?

15 A. Yes, sir.

16 Q. So let's talk about Christopher Chavez  
17 here. You don't really know him, do you?

18 A. Do I really know him?

19 Q. Do you really know him?

20 A. Yes, I know him.

21 Q. Really? How many times have you met with  
22 him?

23 A. Let me see. I seen him in the streets, we  
24 kicked back for a little bit. I see --

25 Q. How many times?

1           A.    I seen him at the South. And we lived  
2 together a couple months at the South. He'd come to  
3 my food port. We'd talk all the time.

4           Q.    Give me a number.

5           A.    Numerous times in the yard. I would see  
6 him in canteen. You know, what a normal brother  
7 does is, got out on the streets, saw him on the  
8 streets, talked on the streets.

9           Q.    Give me a number.

10          A.    I can't give you a number. I don't take  
11 down notes.

12          Q.    Okay. You don't take notes of everything.

13          A.    No, I don't.

14          Q.    So according to your statement, your one  
15 and only interaction with him was that conversation  
16 at the food port; correct?

17          A.    That wasn't my only interaction with him.

18          Q.    According to your statement, that was your  
19 one and only interaction with him?

20          A.    No, that's the one time he was explaining  
21 and introducing himself.

22          Q.    Well, that's the only time he's mentioned  
23 in all these 302s.

24          A.    I don't know what to tell you, sir.

25          Q.    Because the FBI is bad about taking notes;

1 right?

2 A. I don't know about that. I'm not an FBI  
3 agent.

4 Q. So explain to the ladies and gentlemen  
5 here, what is a food port?

6 A. A food port is a slot. When you're in  
7 solitary confinement or a high-risk institution,  
8 such as the South and the North, you have food  
9 ports, because most of the time you're in your cell  
10 24 hours a day, except when the porters come to  
11 clean the pod. And you can pop those food ports;  
12 you take a piece of sheet, put it through the food  
13 port, and it opens. And depending what COs are  
14 there, some are cool with it, they leave it popped  
15 open, and you sit there and have a conversation, and  
16 that's how we started getting to know each other  
17 better.

18 Q. So you know how to manipulate the food  
19 port; right? You know how to pop it open, pop it  
20 closed whenever you want?

21 A. More than likely, yes, sir.

22 Q. And it's probably not the only thing you  
23 know how to manipulate in a pod; correct?

24 A. Probably not.

25 Q. So you're saying that he was a porter;

1 correct?

2 A. Yes, sir.

3 Q. And he was walking by, and all of a sudden  
4 he saw that your food port was open?

5 A. No, sir.

6 Q. And you guys started to -- he just decided  
7 to spill his guts?

8 A. I was a new brother to the organization,  
9 and brothers were still meeting me, brothers were  
10 greeting me. Because they heard I was a good  
11 carnal. I put in a lot of work for the organization  
12 before and when I became a brother.

13 Q. So he just decided to walk by, saw the  
14 food port was open, and just spill his guts about  
15 the murder?

16 A. You're a lawyer, you're part of a firm;  
17 right? When a lawyer comes into your firm, you  
18 greet him, you let him know the ins and outs about  
19 the organization.

20 MR. GRANBERG: Your Honor, I'm going to  
21 object.

22 THE COURT: I'll strike the answer as  
23 nonresponsive to the question, and the jury will  
24 ignore that response. Mr. Granberg.

25

1 BY MR. GRANBERG:

2 Q. Now, Mr. Cordova, you would agree with me  
3 that when you talk about a murder, it's pretty  
4 memorable, would you say?

5 A. In some things are, they're more  
6 intensive.

7 Q. I mean, yesterday the lawyers here were  
8 asking questions about a murder, and you refused to  
9 answer. It was important to you. Was it important  
10 to you?

11 A. Yes, it was.

12 Q. So when someone talks about a murder, it's  
13 important; correct?

14 A. Something that gruesome, yes.

15 Q. And so this conversation allegedly  
16 happened in 2007; right?

17 A. Yes, sir.

18 Q. But you don't mention it in any of the  
19 prior 302s that you had with the FBI; correct?

20 A. What prior 302s are you talking about?

21 Q. Well, there is a 302 dated January 4,  
22 2016. You don't mention it there; correct?

23 A. Probably because we were talking about  
24 numerous things, a lot of things, a lot of  
25 information I had to give the FBI until we got to



1 that point.

2 Q. You don't mention it in that 302 dated  
3 July 12, 2016. You don't mention it there. Is  
4 there a yes or no there?

5 A. Obviously not.

6 Q. You had an interview with them on December  
7 15, 2017. You didn't mention it there, either, did  
8 you?

9 A. Interviews were for different  
10 circumstances for different cases, and they're  
11 asking if you knew anything about this or that, and  
12 that's what I would tell them.

13 Q. Murders are important?

14 A. I gave them all the stuff.

15 Q. Murders are important? It's in your own  
16 words there.

17 A. Yes, sir.

18 Q. But you don't mention him until a week  
19 before trial, a week before trial; correct?

20 A. Yes, sir.

21 Q. And you've been an informant here for two  
22 and a half years, and you've never mentioned his  
23 name in any of these reports until April 2; is that  
24 correct?

25 A. They closed me there for a while and kept

1 a distance, so I had a distance for about a good  
2 minute, a good -- almost a year.

3 Q. Is that correct? You've been an informant  
4 for two and a half years; you never mentioned it  
5 until April 2; is that correct?

6 A. I'm no longer an informant. They closed  
7 me in January --

8 Q. I'm sorry, perhaps not an informant --

9 A. -- 2017.

10 Q. -- but you've been cooperating since 2016;  
11 correct?

12 A. Yes, sir.

13 Q. And now, we're almost halfway through  
14 2018; that's about two and a half years.

15 A. Yes, sir.

16 Q. You mentioned electronic recording devices  
17 yesterday. Do you know what I'm talking about?

18 A. Yes, sir.

19 Q. You used those in the past?

20 A. Before this, no.

21 Q. You've operated them?

22 A. In this case, yes.

23 Q. Do you know how they work?

24 A. Yes, sir.

25 Q. You've been briefed on how they function;

1 correct?

2 A. Not how they function. It's an on-and-off  
3 switch. That's all it was.

4 Q. Do you remember receiving instruction from  
5 Agent Acee?

6 A. It was just batteries and an on-and-off  
7 switch. That's all I know.

8 Q. Do you remember him instructing you to the  
9 effect that if you didn't record it, it didn't  
10 happen?

11 A. To that knowledge, yes.

12 Q. You didn't make any recordings of Chris  
13 Chavez, did you?

14 A. At that time, no, sir.

15 Q. There are no recordings that you made of  
16 Christopher Chavez; is that right?

17 A. No, sir.

18 Q. No trust, no loyalty, no honesty, no  
19 integrity. I think those are two more adjectives.  
20 What do you think of those adjectives?

21 A. If that's what you're placing upon the SNM  
22 organization, I would agree with you.

23 Q. No, those are adjectives I'm placing upon  
24 you.

25 A. If that's your opinion about me, I can't

1 change your opinion about me.

2 Q. Dangerous would be one, too; you would  
3 agree?

4 A. That's your opinion.

5 Q. Danger to society?

6 MR. GRANBERG: Your Honor, I'll pass the  
7 witness.

8 THE COURT: Thank you, Mr. Granberg.

9 Who else? Mr. Sindel?

10 CROSS-EXAMINATION

11 BY MR. SINDEL:

12 Q. My name is Richard Sindel. I represent  
13 Joe Gallegos. Yesterday, when you were talking, you  
14 were asked questions about the tear drop on your  
15 face.

16 A. Yes, sir.

17 Q. And you said it meant prison and murder;  
18 right?

19 A. Either prison time or murder.

20 Q. Yeah. And when you put that on your face,  
21 when you say to someone, "Put a tattoo of a tear on  
22 my face," that's a message, isn't it? It's a  
23 message that everybody in the prison understands;  
24 correct?

25 A. Yes, sir.

1 Q. Those of us who live on the outside might  
2 not get it, but anyone in prison knows that that's  
3 meant to convey a message that you are a killer;  
4 correct?

5 A. Doing time.

6 Q. Correct? Correct?

7 A. It's halfway correct.

8 Q. Halfway correct. Halfway correct. It  
9 means you kill in prison. Is that -- because you  
10 also kill on the outside, don't you; right?

11 A. Correct.

12 Q. There is no place you can go where you  
13 might not commit a murder; right?

14 A. When I was in the SNM organization, yes.

15 Q. Yeah. Now, you were asked some questions  
16 about a murder yesterday; right? And you indicated  
17 you took -- you invoked your rights under the Fifth  
18 Amendment. Do you remember that?

19 A. Yes, sir.

20 Q. Was that murder done in connection with  
21 the SNM?

22 A. Yes, sir.

23 Q. And was that -- did someone order you to  
24 commit that murder?

25 A. Yes, sir.

1 Q. Did you report to anyone after you had  
2 committed that murder?

3 A. Yes, sir. It got reported back to the  
4 organization.

5 Q. Do you know the name of the victim?

6 A. No, sir.

7 Q. No, sir?

8 A. No, sir.

9 Q. Well, where did this murder occur?

10 A. In Albuquerque, New Mexico, on Aztec and  
11 Tulane.

12 Q. Did you talk to law enforcement about this  
13 murder?

14 A. Until now, no. But now is when I talked  
15 to them.

16 Q. To your knowledge, were they investigating  
17 this murder?

18 A. I don't know to my knowledge, no.

19 Q. Did they bring you in to talk to you about  
20 this murder?

21 A. To my knowledge, no.

22 Q. Well, you would know if they brought you  
23 in.

24 A. To talk about this murder? No.

25 Q. Was there a kidnapping involved in this

1 murder?

2 A. I don't believe so. We just moved the  
3 body from one place to another after he was dead.

4 Q. Was there drug dealing involved in this  
5 murder?

6 A. Yes, sir.

7 Q. Have you received some sort of guarantee  
8 or immunity concerning this murder?

9 A. Yes, sir.

10 Q. When did that happen?

11 A. 2005, sir.

12 Q. No, when did you get this gift from heaven  
13 that you don't have to face the consequences for  
14 your deeds?

15 A. I don't know the exact date, but my lawyer  
16 can point it out for you.

17 Q. Well, I mean, do you know how it is that  
18 suddenly you were granted immunity so that you could  
19 kill with impunity?

20 A. That I can kill, I continue killing?

21 Q. Well, that you could --

22 A. Or that -- things that I've done for the  
23 organization?

24 Q. Let's just put it this way. That you can  
25 kill someone and not face any legal consequences.

1 When was it that you were graced with that  
2 particular benefit?

3 A. I can't answer that question. I don't  
4 like the way it's being pronounced.

5 Q. Obviously, yesterday you didn't think you  
6 had that benefit; right? That's why you took the  
7 Fifth. That's why you said, "I don't want to answer  
8 that question"; that's why your lawyer stood next to  
9 you and gave you advice not to answer questions,  
10 because you didn't have that immunity; right?

11 You don't have to look back there for an  
12 answer.

13 A. I'm looking at my lawyer. No, I knew I  
14 had the immunity. I knew I had the immunity.

15 Q. Well, when your lawyer stood up and  
16 said --

17 A. I didn't know I was going to be questioned  
18 in this trial about that.

19 Q. When your lawyer stood up and suggested to  
20 you that you not answer those questions because you  
21 could incriminate yourself, you took that advice;  
22 right?

23 A. Yes, sir.

24 Q. So when was it that the Government told  
25 you, "Don't worry. Too bad you killed somebody in



1 Albuquerque, but we can give you a pass on that."

2 A. My lawyer brought me up to knowledge that  
3 what I already had testified in prior trial covers  
4 me in this trial.

5 Q. And did he tell you -- or I'm sorry --  
6 have you learned that the state government has also  
7 decided that you shouldn't be punished for killing  
8 someone on the streets of Albuquerque?

9 A. The State?

10 Q. Yeah.

11 A. I don't know about that.

12 Q. So you still could face punishment, as far  
13 as you understand, from the State of New Mexico for  
14 slaughtering its citizens; right?

15 A. I don't know on that.

16 Q. To the best of your knowledge, the only  
17 people that have granted you immunity are the people  
18 sitting here at this table; right?

19 A. Yes, sir.

20 Q. And they have given you a pass on a number  
21 of different crimes, haven't they?

22 A. Yes, sir.

23 Q. Was the victim of that particular murder a  
24 woman?

25 A. No, sir?

1 Q. Was it a child?

2 A. No, sir.

3 Q. You're testifying here under oath; right?

4 A. Yes, sir.

5 Q. You have taken that oath in the past, have  
6 you not?

7 A. Yes, sir.

8 Q. The identical oath that you took in front  
9 of this jury and before this judge; correct?

10 A. Yes, sir.

11 Q. And you have lied, haven't you, under  
12 oath?

13 A. Not understanding the question to the full  
14 extent, yes. I didn't understand the question.

15 Q. You either lied or you didn't understand;  
16 you can't do both; right?

17 A. Yes, sir, well, I didn't understand the  
18 question.

19 Q. Well, do you remember that there was a  
20 hearing that you testified at on December 12 of last  
21 year?

22 A. Last year in December, yes, I remember a  
23 hearing, sir.

24 Q. You were asked a series of questions about  
25 your use of drugs in the prison facility or the jail

1 facility; right?

2 A. Yes, sir.

3 Q. And they asked you -- let me see if you  
4 remember this question and this answer, page 234.  
5 "So one of the times I was UA" -- that's a  
6 urinalysis; right -- "I came up dirty for pills so I  
7 told them I didn't want my pills no more."

8 Do you remember that answer?

9 A. Yes, sir.

10 Q. And you were asked, "When was that?"  
11 And you said, "Answer: This was back like  
12 in July.

13 "Question: Of this year?"

14 And you said, "Yes, sir."

15 A. Yes, sir.

16 Q. Putting aside the prescription pill issue,  
17 I'm talking about illegal drugs. This question,  
18 "When was the last time you used an illegal drug?"  
19 do you remember that question?

20 A. To that extent, no, sir.

21 MR. SINDEL: Should I approach? May I  
22 approach, Your Honor?

23 THE COURT: You may.

24 BY MR. SINDEL:

25 Q. I'll show you the transcript from the

1 proceedings Monday, December 12, 2017, at least a  
2 portion of it.

3 THE COURT: Why doesn't he refresh his  
4 memory on the break? And let's take a break for 15  
5 minutes, and we'll come back in and get the answer.  
6 All rise.

7 (The jury left the courtroom.)

8 THE COURT: All right. We'll be in recess  
9 for about 15 minutes.

10 (The Court stood in recess.)

11 THE COURT: All right. I think we've got  
12 all the defendants in the courtroom and an attorney  
13 for each one of the defendants. Is Mr. Beck here?  
14 Do you have anything to discuss before we bring the  
15 jury in? Mr. Castellano?

16 MR. CASTELLANO: I would say Mr. Beck's  
17 may be moot at this point. Mr. Cordova has  
18 testified to those matters.

19 THE COURT: It looked like it might be  
20 becoming moot. I didn't know if it was clearly  
21 moot.

22 All right. Anything else the Government  
23 needs to discuss before we bring the jury in?

24 MR. CASTELLANO: No, Your Honor.

25 THE COURT: How about the defendants?

1 Anybody got anything?

2 MR. CASTLE: I've got something really  
3 quickly, Your Honor.

4 THE COURT: Before you go, Mr. Castle, let  
5 me just ask Mr. Blackburn real quickly on this Baca  
6 issue, you mentioned some 302s that you thought  
7 probably made it clear that Mr. Garcia would not  
8 consent. I'm just wondering if I need that  
9 information to rule on the Government's motion to  
10 disqualify. So if y'all have some information I  
11 ought to be looking at to better inform myself of  
12 the issues.

13 MR. BLACKBURN: I will talk to the  
14 Government, Your Honor. And there was just a 302  
15 that they -- the day before the trial or after we  
16 had the hearing, the Government was meeting with  
17 them, taking a debriefing from him to determine  
18 whether he would testify in this trial. They made a  
19 determination no, but there was a 302 with him and  
20 his wife.

21 I also talked to the Government. I don't  
22 think it makes a difference. I was just basing my  
23 thought process on whether he was not going to waive  
24 his -- sounded like the waiver, before when we were  
25 here prior. But after we looked at the 302s, it did

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1 not lead me to believe that he was going to change  
2 his mind. That's what I meant.

3 THE COURT: Well, would y'all -- would you  
4 give it some thought, whoever on the Government's  
5 side is handling this motion to disqualify, and  
6 whatever I need. Because I need to move quickly on  
7 that if we're --

8 MR. BLACKBURN: Judge, I e-mailed his  
9 lawyer while we were sitting in court this morning,  
10 told him that we needed to know a final answer from  
11 him ASAP. I have not heard back from him, but as  
12 soon as I hear from him, I'll let everybody know.

13 MR. CASTELLANO: That was my understanding  
14 the last time we spoke, that he would not be  
15 waiving.

16 THE COURT: I just didn't know which  
17 lawyer it was. As you know, he switched lawyers and  
18 I couldn't remember which -- if it was one or both.

19 Anything we need to take up now, Mr.  
20 Castle?

21 MR. CASTLE: Not now, but sometime today I  
22 need to --

23 THE COURT: What is it?

24 MR. CASTLE: It's concerning Mr. Munoz'  
25 antisocial personality disorder issues.

1 THE COURT: All right.

2 MS. ARMIJO: Your Honor, the medical  
3 examiner is here. He's Mr. Beck's witness. I don't  
4 know where Mr. Beck is. But I believe we had agreed  
5 we would interrupt testimony to present him, because  
6 I think Mr. Cordova will be on for a while. But I'm  
7 trying to find where Mr. Beck is, because it's his  
8 witness.

9 THE COURT: Okay. Is that the agreement,  
10 Mr. Sindel? I suppose it is. I don't really  
11 remember being consulted about it.

12 MS. HARBOUR-VALDEZ: Your Honor, I agreed  
13 on behalf of the defense since we took another  
14 witness out of order for Mr. Sindel's client.

15 MR. SINDEL: Stabbed in the back.

16 THE COURT: Are we pretty sure he's ready  
17 to go?

18 MS. ARMIJO: I just need to find out where  
19 Mr. Beck is. He may be meeting with the witness, so  
20 I need to find him.

21 THE COURT: Everybody stand. Let's get  
22 the jury in and get Mr. Cordova out, and tell the  
23 jury what we're doing.

24 MR. SINDEL: So should I sit down.?

25 (The jury entered the courtroom.)

1 THE COURT: Please be seated. All right.

2 You can take Mr. Cordova out, and we're  
3 going to bring in Dr. Zumwalt.

4 MS. ARMIJO: Your Honor, we could go ahead  
5 just for a few minutes while I find Mr. Beck.

6 THE COURT: All right. Mr. Cordova, you  
7 remain under oath. Do you understand that?

8 THE WITNESS: Yes, Your Honor.

9 THE COURT: Okay. Go ahead, Mr. Sindel.

10 BY MR. SINDEL:

11 Q. Okay. The back and forth of it. When we  
12 broke the last time, you were reviewing a transcript  
13 of your sworn testimony on December 12, 2017.

14 A. Yes, sir.

15 Q. And I believe that you told this jury  
16 right before you reviewed the transcript that you  
17 misunderstood the question; correct?

18 A. Yes, sir.

19 Q. That's what you said under today's oath.  
20 So I just wanted to go through with you the  
21 questions and the answers you gave. The question  
22 was at page 235: "Putting aside the prescription  
23 pill issue, I'm talking about illegal drugs. When  
24 was the last time you used an illegal drug?"

25 Now, let's break that sentence down. Tell



1 me the words you didn't understand. Did you  
2 understand the word "drug"?

3 A. Yes, sir.

4 Q. Did you understand the word "illegal"?  
5 Did you understand the word "illegal"?

6 A. No, sir.

7 Q. No, sir?

8 A. I didn't understand the whole question,  
9 basically.

10 Q. Let's just see where we can figure out  
11 where it was that your mental capability broke down.  
12 Okay?

13 A. Yes, sir.

14 Q. "When was the last time?" Do you  
15 understand that phrase?

16 A. Yes, sir.

17 Q. Okay. So the person is asking you, okay,  
18 when did you last do something. When was the last  
19 time; right? That's what that phrase is?

20 A. Okay.

21 Q. Okay?

22 A. Yes, sir.

23 Q. "You used." You understand that; right?

24 A. Yes, sir.

25 Q. "Used" you could say meant to put into

1 your body; right?

2 A. Yes, sir.

3 Q. "An illegal drug." Now, you understand  
4 that to be something other than prescription drugs;  
5 right?

6 A. Yes, sir.

7 Q. So it would have been something that was  
8 illegal?

9 A. Yes, sir.

10 Q. So there wasn't really any portion of that  
11 question you can tell us that you were incapable of  
12 understanding; right? You've answered a bunch of  
13 questions here today and haven't said, "I'm so  
14 confused."

15 A. Yes, sir.

16 Q. You understood that question, didn't you?

17 A. Yes, sir.

18 Q. And your answer was: "An illegal drug,  
19 it's been a good minute"; right?

20 A. That's what it says.

21 Q. You didn't mean 60 seconds, did you? Did  
22 you?

23 A. I don't recall so -- I don't remember.

24 Q. You don't recall?

25 A. Yes, sir.

1 Q. Well, did you mean that you had been at  
2 least 60 seconds prior to that question drug-free?

3 A. No.

4 Q. No. You just used that as a phrase,  
5 didn't you?

6 A. More than likely, yes, sir.

7 Q. More than likely. And then the question  
8 was: "What is a good minute?" And your answer was,  
9 "A good minute is like about a couple years ago."  
10 Do you remember that answer?

11 A. Yes, sir. I don't remember, but it's  
12 there.

13 Q. What?

14 A. I don't recall it, but it's there, so,  
15 yes.

16 Q. And the question was: "A couple years  
17 ago?"

18 And you said, "yes, sir".

19 Do you remember that?

20 A. Yes, sir.

21 Q. And then the question was: "And you  
22 haven't used any illegal drugs or nonprescribed  
23 drugs intentionally since then?"

24 And you said, "Answer: Yes, sir."

25 Do you remember that?

1 A. I don't remember it, but it's there so --

2 Q. Well, I mean, I can bring it to you. It  
3 isn't that far. Do you want to see it again?

4 A. No, I understand.

5 Q. Did you understand those questions?

6 A. Obviously, at that time, no.

7 Q. Well, can you tell us -- can you give us  
8 any assistance in telling us what was unclear about  
9 those questions?

10 A. Probably nothing.

11 Q. So you're simply saying you misunderstood  
12 the question because it doesn't sound so very good  
13 when you lie under oath, does it? That can be  
14 another criminal charge, can't it? Perjury? Have  
15 you ever heard of perjury?

16 A. Yes, sir.

17 Q. When you say things under oath that aren't  
18 true, you understand that's perjury?

19 A. Yes, sir.

20 Q. And of course, they may let you slide on  
21 it; right? You're sure hoping so.

22 A. I don't think so.

23 Q. You don't think that you lied under oath  
24 at that time?

25 A. Intentionally, I didn't lie.

1 Q. Okay. It was an accident?

2 A. Yes, sir.

3 Q. So when you said, "A couple of years ago,"  
4 that was an accident?

5 A. Yes, sir.

6 Q. Whew. Well, didn't you later admit here  
7 in court and at another proceeding in February that  
8 you had used drugs within a couple of weeks of your  
9 testimony on December 12?

10 A. Yes, sir.

11 Q. And that was part of the mistake you made  
12 while you would testify under oath?

13 A. Yes, sir.

14 Q. The oath to tell the truth and nothing but  
15 the truth?

16 A. Yes, sir.

17 MR. SINDEL: Your Honor, I'm not sure how  
18 the Court wants to proceed. Mr. Beck is here, and  
19 he always takes precedence over me.

20 THE COURT: How much longer do you  
21 think --

22 MR. SINDEL: I have a little bit. I think  
23 at least 20 minutes.

24 THE COURT: Do you want to go 20 minutes  
25 or stop now? What would your preference be,

1 Mr. Beck?

2 MR. BECK: I think we should probably just  
3 proceed with Dr. Zumwalt, and we can restart this  
4 then.

5 THE COURT: All right. You may take  
6 Mr. Cordova out.

7 MR. SINDEL: I will yield the floor.

8 THE COURT: All right. Thank you,  
9 Mr. Sindel.

10 (The testimony of Dr. Ross Zumwalt was  
11 taken.)

12 THE COURT: All right, Mr. Cordova. You  
13 can go ahead and be seated, and I'll remind you that  
14 you're still under oath.

15 THE WITNESS: Yes, Your Honor.

16 THE COURT: Mr. Sindel, if you wish to  
17 continue your cross-examination of Mr. Cordova, you  
18 may do so at this time.

19 MR. SINDEL: Thank you, Your Honor.

20 THE COURT: Mr. Sindel.

21 BILLY CORDOVA,  
22 after having been previously duly sworn under  
23 oath, was questioned, and continued testifying  
24 as follows:  
25

1 CONTINUED CROSS-EXAMINATION

2 BY MR. SINDEL:

3 Q. When we broke in your testimony in order  
4 to hear testimony from a physician in this case, I  
5 was talking to you about your testimony on December  
6 12, 2017, about your drug use while you were in the  
7 jail facility; right?

8 A. Yes, sir.

9 Q. And as I recall, you said you basically  
10 misunderstood the question; right?

11 A. Yes, sir.

12 Q. But you couldn't point to anything that  
13 you thought was confusing or vague about the  
14 question that caused you to misunderstand it; right?

15 A. I can't recall. I don't remember that. I  
16 don't remember the conversation.

17 Q. You don't remember saying that?

18 A. No, sir.

19 Q. I don't want to go through this whole  
20 thing again, but was there anything in that series  
21 of questions that you now today say you didn't  
22 understand?

23 A. Now that you're reading it to me, no.

24 Q. So it's pretty much clear as day what you  
25 were being asked and what you were answering; right?

1 A. Yes, sir.

2 Q. But you figure that maybe if you say you  
3 didn't understand it, that doesn't sound as bad as  
4 "I intentionally misled the Court"; correct? I mean  
5 there is a difference between lying and  
6 misunderstanding; right?

7 A. Yes, sir.

8 Q. You don't want to say to the Court, "I  
9 lied to you," do you?

10 A. Why are you pointing to this?

11 Q. Well, you said you misunderstood. You  
12 just can't tell us how or why; right?

13 A. Yes, I can explain how and why.

14 Q. Was it because you were on drugs?

15 A. It's because I was on a 36-hour -- I was  
16 on a transfer from across the state. I hadn't slept  
17 in 36 hours.

18 Q. Did you at any time say during the course  
19 of the investigation or the interrogation that  
20 occurred on December 12, 2017, "Look, I'm so tired,  
21 I just can't do this anymore"? Yes or no?

22 A. I don't remember that statement. I don't  
23 know.

24 Q. Did you ever complain to the Court that,  
25 I'm becoming confused because of lack of sleep or



1 some other circumstances that was beyond your  
2 control?

3 A. To my knowledge, no, but I made a concern  
4 to my attorney.

5 Q. Would it be fair to say that at the time  
6 that you testified on December 12, 2017, you were  
7 using Suboxone?

8 A. When I testified?

9 Q. No, around the time that you testified in  
10 December of 2017, within a few weeks of you actually  
11 getting up and taking the oath, you were using  
12 Suboxone?

13 A. Yes, sir.

14 Q. Methamphetamine?

15 A. No, not a few weeks before that.

16 Q. Well, do you remember being asked certain  
17 questions in February of 2018 about your use of  
18 drugs while you were incarcerated?

19 A. Yes, sir, and I stated to them that I had  
20 used probably about everything within a few-month  
21 period.

22 Q. And you said Suboxone?

23 A. Yes, sir, was one of them.

24 Q. And methamphetamine?

25 A. Yes, sir.

1 Q. And heroin?

2 A. Yes, sir.

3 Q. And synthetic marijuana?

4 A. Yes, sir.

5 Q. Now, there were some questions that were  
6 asked of you concerning the situation involving your  
7 wife. And you, "Well, you know, I did that all for  
8 the S"; correct?

9 A. Yes, sir.

10 Q. Well, when the police were summoned to  
11 your home after you had beat the hell out of her,  
12 was there a situation in which she told them that it  
13 was because you stole her car?

14 MR. CASTELLANO: Objection, Your Honor,  
15 calls for hearsay.

16 THE COURT: Well, it sounds like it's  
17 being offered for the truth of the statement. So  
18 sustained.

19 BY MR. SINDEL:

20 Q. When you came to her apartment door and  
21 knocked on it, did you say you were Darrell?

22 MR. CASTELLANO: Objection, calls for  
23 hearsay.

24 THE COURT: No, overruled.

25 A. I don't ever remember that.

1 BY MR. SINDEL:

2 Q. Was Darrell her neighbor?

3 A. I don't know about that.

4 Q. Do you remember when you -- she opened the  
5 front door, did you throw the car keys at her and  
6 hit her in the chest?

7 A. No, that's not what happened.

8 Q. Did you yell at her, "You called the  
9 police on me"?

10 A. I don't recall that.

11 Q. You could have? You could have?

12 A. Could have what?

13 Q. Yelled, "You called the police on me,"  
14 because she did, didn't she?

15 A. To my knowledge, at that time, I didn't  
16 know nothing about that.

17 Q. Well, have you reviewed any of the police  
18 reports in connection with this case involving  
19 Crystal, your ex-wife?

20 A. Yes, sir.

21 Q. Is there anything that you claim was false  
22 in those police reports?

23 A. At that time I wouldn't speak to law  
24 enforcement, so I never made a statement.

25 Q. At that time, you were -- I'm sorry, what?

1 A. In those years, I never spoke to law  
2 enforcement. I never ever had a statement to give.

3 Q. I'm asking whether or not there are  
4 certain things that your ex-wife, Crystal, told the  
5 police. Did you advise anyone that that was  
6 inaccurate? Yes or no?

7 A. Yes, sir.

8 Q. Who?

9 A. Again?

10 Q. Who did you say -- who did you tell --

11 A. I never told nobody that. I talked to my  
12 lawyer. My lawyer stated, "Well, we'll fight this  
13 all we can," and he asked me, "Did you do it?"

14 And I said, "Yeah, I did it."

15 Q. Was there anything that you saw in the  
16 police report saying that the reason that you beat  
17 your wife in front of your children was because of  
18 your membership in the SNM?

19 A. No, sir.

20 Q. Was there anything that you saw as a  
21 result of the police investigation that you beat  
22 your wife, broke her ribs, knocked out her teeth  
23 because you were a member of the SNM?

24 A. No, sir.

25 Q. Have you ever said under oath that when

1 you see a weakness in the system, you exploit it?

2 A. That's what we did back in the day, yes,  
3 when I was part of the SNM organization.

4 Q. Is that what you said, sir?

5 A. Yes, sir. That's our motto. That was my  
6 motto.

7 Q. You had talked about obviously -- I mean,  
8 you'd gotten benefits, you're not part of the  
9 indictment and all those different overt acts that  
10 Mr. Cooper asked you about; right?

11 A. Yes, sir.

12 Q. And you haven't been charged with any of  
13 the murders that you have discussed here; right?

14 A. No, sir.

15 Q. In other words, you're not facing life in  
16 prison or anything, anything as a result of your  
17 acts in the past; correct?

18 A. Yes, sir.

19 Q. And there were other benefits that you  
20 hope to receive as a result of your performing for  
21 the Government; correct?

22 A. I have no knowledge of that.

23 Q. You're not aware of that?

24 A. No, sir.

25 Q. You've never told anybody that? Are you

1 sure you want to say that?

2 A. The only thing that was offered to me  
3 after this is done is witness protection.

4 Q. Well, do you remember talking to your  
5 mother on December 14, 2016?

6 A. What was that conversation about?

7 Q. About the benefits that you could receive  
8 for performing on behalf of the Government?

9 A. I'm aware about benefits.

10 Q. What?

11 A. I'm aware about benefits.

12 Q. Did you say to her that you're going to  
13 get money, feria?

14 A. For cooperating with the Government I'm  
15 going to get money?

16 Q. Yes. You've gotten money, haven't you?

17 A. Yes, I've gotten money.

18 Q. Did you say that as a result of your  
19 cooperation you could get money when you get out of  
20 prison?

21 A. The witness protection program. They  
22 explained it to me. So more or less that's probably  
23 what I was explaining to her.

24 Q. So you did say that to her? You could get  
25 money if you're in the witness protection program?

1 A. I want to see what you're reading there.

2 I want to see it.

3 Q. You do?

4 A. Yeah, I want to see that, I want to be --

5 I never made that statement. If it wasn't

6 pertaining to the witness protection program, I want

7 to see it so I can --

8 Q. If you see it, will that satisfy your

9 curiosity?

10 A. Yes, sir.

11 Q. Do you recall giving sworn testimony on

12 February 26 and February 23 of this year? Let go of

13 it. All right? Please? Do you recall that?

14 A. Yes, sir.

15 Q. That's the dates that are on there;

16 correct?

17 A. All right.

18 Q. Page 423?

19 A. Part of the witness protection program

20 also states that --

21 Q. I know.

22 A. But you didn't add that.

23 Q. Can you just wait?

24 A. Yes, sir. Can you be honest here?

25 Q. Are you really suggesting --

1 A. I'm asking you.

2 Q. -- that of the two of us, you're the  
3 most --

4 A. I asked about the witness protection  
5 program, and you're over here stating to the jury  
6 that it's only money.

7 Q. Read it.

8 A. The witness protection program -- check it  
9 out. It says witness protection program, if I was  
10 going to it, so the answer is yes, I did tell her  
11 that. Yes, I did tell her that, that the Government  
12 was going to line up --

13 Q. That's all, sir.

14 A. All right.

15 Q. And your answer -- is the answer, yes, you  
16 did tell her that, your answer is yes; right?

17 A. Yes, when I explained the witness  
18 protection program to her, yes.

19 Q. And you said yes, you told her you would  
20 get money and feria?

21 A. As part of the witness protection program,  
22 they get you set up for the six months of your life.

23 Q. Did you tell her they could line you up  
24 with a job when you got out of prison?

25 A. Yes, sir.



1 Q. Did you also tell her they were going to  
2 get you a place to stay, a pad?

3 A. Yes, sir.

4 Q. And did you also say that, "Guess what?  
5 They can not only get me a job, money, and a house;  
6 they can get me a car"?

7 A. Yes, sir.

8 Q. Have you ever talked with Joe Gallegos at  
9 any time about any cases against him?

10 A. No, sir.

11 Q. I believe you also said yesterday that you  
12 had a situation here on April 17 concerning  
13 assaulting a correctional officer?

14 A. That's right, sir. I'm accused for  
15 throwing liquid I was drinking from a cup on him.  
16 I'm accused of.

17 Q. And was that liquid -- when you went  
18 through the proceeding, was that described as yellow  
19 and brown in color?

20 A. That's what it stated on the report. It  
21 could have been my coffee, water, whatever I was  
22 drinking at the time.

23 Q. It could have been urine and feces; right?

24 A. But it wasn't that.

25 Q. Feces like what you're throwing around in

1 this court today?

2 MR. CASTELLANO: Objection, Your Honor.

3 THE COURT: Overruled.

4 MR. SINDEL: That's all I have.

5 THE COURT: Thank you, Mr. Sindel.

6 All right, anybody else?

7 MR. LAHANN: If I may, Your Honor.

8 THE COURT: Mr. Lahann.

9 CROSS-EXAMINATION

10 BY MR. LAHANN:

11 Q. Mr. Cordova, you pled guilty to aggravated  
12 battery against a household member causing great  
13 bodily harm; is that right?

14 A. Yes, sir.

15 Q. And that was to Crystal?

16 A. Yes, sir.

17 Q. Your wife at the time?

18 A. Yes, sir.

19 Q. The mother of your children?

20 A. Yes, sir.

21 Q. Great bodily harm you would agree is  
22 defined in New Mexico as an injury to a person which  
23 creates a high probability of death or which causes  
24 serious disfigurement or which results in permanent  
25 or protracted loss or impairment of the function of

1 any member of the body or any organ. That's the way  
2 you understood it; right?

3 A. Yes, sir.

4 Q. You broke her jaw; is that right?

5 A. Yes, sir.

6 Q. You broke her arm?

7 A. Yes, sir.

8 Q. Because she knew what she was getting into  
9 when she married you?

10 A. Yes, sir.

11 Q. All part of the code?

12 A. Yes, sir.

13 Q. You shot and killed a man named Ray  
14 Gurule; is that right?

15 A. That's incorrect.

16 Q. You were convicted of shooting Mr. Gurule;  
17 is that correct?

18 A. Yes, sir.

19 Q. Did you know Mr. Gurule before the night  
20 that he died?

21 A. I didn't know him then, and I never met  
22 him.

23 Q. He was the new boyfriend of your nephew's  
24 baby mom; is that right?

25 A. That's incorrect.

1 Q. Your nephew is Charlie; right?

2 A. That's correct.

3 Q. Charlie used to have a relationship with  
4 the girl at the scene; is that right?

5 A. Yes, sir.

6 Q. And she and Charlie were fighting that  
7 night; right?

8 A. To my knowledge, I don't know what was  
9 going on there between them two.

10 Q. But you showed up with a gun?

11 A. Incorrect.

12 MR. CASTELLANO: I'm going to object  
13 pursuant to Rule 609. I think he's admitted this  
14 conviction.

15 THE COURT: If the conviction has been  
16 admitted, then sustained.

17 BY MR. LAHANN:

18 Q. Well, the fact is, Mr. Cordova, you talked  
19 about the code, you talked about SNM requires this  
20 kind of respect. But every crime that you're  
21 involved in with your wife, with this shooting, it  
22 involves women; it involves possession of women.  
23 You want to control women, don't you?

24 A. Incorrect, sir.

25 MR. LAHANN: No further questions.

1 THE COURT: Thank you, Mr. Lahann. Anyone  
2 else, defendants, that have cross-examination of  
3 Mr. Cordova?

4 MR. ROBERTS: I do, Your Honor, but I'm  
5 not sure if the Court is going to break for lunch.

6 THE COURT: Well, let's see how long it  
7 takes. Go ahead, Mr. Roberts.

8 MR. ROBERTS: It's going to be more than a  
9 minute.

10 THE COURT: Go ahead and start.

11 CROSS-EXAMINATION

12 BY MR. ROBERTS:

13 Q. Good afternoon, Mr. Cordova.

14 A. Good afternoon, sir.

15 Q. I see you're from Roswell?

16 A. No, sir, I'm from Albuquerque, New Mexico.

17 Q. Okay. Did you spend some time in Roswell?

18 A. No, sir.

19 Q. Okay. One of the first questions that was  
20 asked to you by Mr. Burke was about maybe returning  
21 to Albuquerque, and you said, Not Albuquerque?

22 A. Yes, sir.

23 Q. That's because of the witness protection  
24 program? They're going to relocate you; is that  
25 right?

1 A. Yes, sir.

2 Q. Now, I'm going to try not to repeat too  
3 many things, but I do have a few things to get into.  
4 It would be simpler and quicker, if my questions  
5 require a yes-or-no answer, that you answer yes or  
6 no, then we get out of this thing a lot sooner.

7 THE COURT: Well, if you're going to have  
8 that many questions, why don't we do it after lunch?

9 All right. We'll about in recess for  
10 about an hour. All rise.

11 (The jury left the courtroom.)

12 THE COURT: All right. We'll be in recess  
13 for an hour.

14 (The Court stood in recess.)

15 THE COURT: I think we've got all the  
16 defendants back, and a lawyer for -- at least one  
17 lawyer for each of the defendants.

18 Is there anything we need to discuss  
19 before we bring the jury in? Anything I can do for  
20 you, Mr. Castellano?

21 MR. CASTLE: May I make a brief record,  
22 Your Honor?

23 THE COURT: Okay.

24 MR. CASTLE: At Ms. Armijo's request, I  
25 was searching my materials for evidence of

1 antisocial personality disorder in Mr. Munoz '  
2 documents. We may have thousands of documents.  
3 Some are handwritten, but most of them are  
4 typewritten. I've done searches on that. I cannot  
5 find it.

6 THE COURT: You can go ahead and bring him  
7 in.

8 MARSHAL: The jury is right here. They're  
9 lining up.

10 THE COURT: Okay.

11 MR. CASTLE: I could find it with regards  
12 to other people, but not him. I've gone back -- my  
13 preparation for cross-examination doesn't happen the  
14 night before, even a couple of days. It goes over  
15 probably two or three months for this particular  
16 individual. I've tried to go back through prior  
17 drafts to find out what the source is. I usually  
18 source everything, all my questions. I don't have a  
19 source down here, so this appears to have been an  
20 error on my part, at least from my review at this  
21 point.

22 I can tell the Court that I had a  
23 question -- I had other questions about whether he  
24 exhibited certain conditions. I didn't use those  
25 questions, but I was in error there, Your Honor, and

1 I -- that's all I can tell you. I hope it doesn't  
2 affect my client, but I'll take whatever I need to  
3 do here.

4 THE COURT: All right. Let me think about  
5 it, and I'll hear from you, Ms. Armijo.

6 All rise.

7 (The jury entered the courtroom.)

8 THE COURT: All right. Everyone be  
9 seated.

10 Why don't we use this time while we're  
11 waiting for Mr. Cordova? Come on up, Ms. Armijo and  
12 Mr. Castle.

13 (The following proceedings were held at  
14 the bench.)

15 THE COURT: So did you find the document  
16 that had it or --

17 MR. CASTLE: No, I cannot find a document  
18 that has it. I think I've done a fairly significant  
19 search. I haven't read every handwritten note,  
20 because that would take me a long time. But I can  
21 tell the Court that I normally source everything.  
22 If I had a source, I would have written that down on  
23 my cross-examination. That's at least my practice.  
24 So I think what I did was, I had transposed "do you  
25 have" and the -- I transposed the "you have," is my



1 thought about what I did there.

2 THE COURT: Let's go ahead and take the  
3 testimony, and I'll come back and hear what you have  
4 to say.

5 (The following proceedings were held in  
6 open court.)

7 THE COURT: All right, Mr. Cordova, I'll  
8 remind you that you're still under oath.

9 THE WITNESS: Yes, Your Honor.

10 THE COURT: Mr. Roberts, if you wish to  
11 continue your cross-examination of Mr. Cordova, you  
12 may do so at this time.

13 MR. ROBERTS: Thank you, Your Honor.

14 THE COURT: Mr. Roberts.

15 MR. ROBERTS: May it please the Court?

16 THE COURT: Mr. Roberts.

17 BY MR. ROBERTS:

18 Q. So let's see, Mr. Cordova. As I  
19 understand it, you've been with the SNM since 2003;  
20 is that right?

21 A. I was a member since 2003, but I've been  
22 with them since 2000, 2001.

23 Q. Okay. So you've been with them a while?

24 A. Yes, sir.

25 Q. Been around the block a few times?

1 A. Yes, sir.

2 Q. You know the ropes, been in the judicial  
3 system for a while, as well?

4 A. Yes, sir.

5 Q. In fact, you considered yourself -- or you  
6 considered the SNM a career; is that right?

7 A. Yes, sir.

8 Q. And you strived to be good at that career;  
9 right? You were dedicated at that; is that right?

10 A. Yes, sir.

11 Q. Now, you've made several, at least five  
12 statements in this case; is that right?

13 A. I believe so, yes, sir.

14 Q. And you testified a few times, as well?

15 A. Yes, sir.

16 Q. I'm going to refer primarily to your  
17 testimony February 22 to the 23rd. Do you remember  
18 that?

19 A. February 22?

20 Q. Yeah.

21 A. What year?

22 Q. This year.

23 A. Here? At the trial?

24 Q. At the trial, you testified.

25 A. Yes, sir. One of them.

1 Q. And you were under oath at that time?

2 A. Yes, sir.

3 Q. I believe this same courtroom; right?

4 A. Yes, sir.

5 Q. Same judge?

6 A. Yes, sir.

7 Q. Swore to tell the truth?

8 A. Yes, sir.

9 Q. And at that time -- let's see. At that  
10 time you testified that you know how to manipulate a  
11 system; is that right?

12 A. That's how we're schooled in prison.

13 Q. Let me get the quote just right, that  
14 you're schooled -- let's see here. That that's part  
15 of SNM, you're taught that you know how to  
16 manipulate the system; is that right?

17 A. Yes, sir.

18 Q. And you consider yourself to be pretty  
19 good at that when you were an SNM member; is that  
20 right?

21 A. Yes, sir.

22 Q. That was part of your career; is that  
23 right?

24 A. Yes, sir.

25 Q. And today you don't -- today you don't

1 consider yourself a career SNM anymore; is that  
2 right?

3 A. Yes, sir.

4 Q. Do you consider yourself, let's say, a  
5 career Government cooperator; is that right? That's  
6 what you're doing now; right?

7 A. Not a career cooperator.

8 Q. That's what took you out of your career,  
9 though; right?

10 A. Yes, sir.

11 Q. So you didn't start a new career yet?

12 A. No, sir.

13 Q. Okay. You seem pretty confident about  
14 your ability to manipulate the system and take  
15 advantage of weaknesses in the system; is that  
16 right?

17 A. Yes, sir.

18 Q. In fact, you testified at that time that  
19 one of the reasons that you were only convicted of a  
20 few crimes is because of your ability to manipulate  
21 the law; is that right?

22 A. Yes, sir.

23 Q. So when the RICO indictment came down  
24 somewhere around 2016 and you were at -- I believe  
25 you were at MDC; is that correct?

1 A. Yes, sir.

2 Q. You'd been in custody, what, about a  
3 little over a year at that point; is that right?

4 A. Yes, sir.

5 Q. And that's about the time that Acee came  
6 and saw you; is that correct?

7 A. Yes, sir.

8 Q. And you'd just been convicted, I believe,  
9 of one murder; is that right? Manslaughter; right?

10 A. Yes, sir.

11 Q. And the jury found you guilty of that  
12 manslaughter, even though you don't believe you were  
13 guilty of it; is that right?

14 A. Yes, sir.

15 Q. You didn't do it; is that right?

16 A. Yes, sir.

17 Q. And you were sentenced to seven years;  
18 right?

19 A. Yes, sir.

20 Q. And you had another trial coming up, I  
21 think, right after that, about that time?

22 A. Yes, sir.

23 Q. Was that also for murder?

24 A. No, sir.

25 Q. What was that for?

1           A.     Felon in possession of a firearm. It was  
2 a severed charge from the case. I got it severed so  
3 at trial the jury wouldn't know I was a convicted  
4 felon.

5           Q.     Okay. But that was about the time that  
6 Agent Acee came and saw you; is that right?

7           A.     Yes, sir.

8           Q.     You had, what, like, a four-hour meeting  
9 with him; is that correct?

10          A.     About that time, yes, sir.

11          Q.     And that's when he told you about the  
12 possible RICO Act coming down; is that right?

13          A.     Yes, sir.

14          Q.     And at that time, they told you that you  
15 were a potential target of that indictment or RICO  
16 act; is that right?

17          A.     Yes, sir.

18          Q.     And you saw that opportunity to take  
19 advantage of the situation; is that right? To work  
20 something out with him?

21          A.     I wouldn't put it that way. There was no  
22 agreement to what was going to be worked out.

23          Q.     But you saw in your mind an opportunity.  
24 You didn't want to be charged in the RICO Act;  
25 right?

1           A.     I was tired. I didn't want to do no more  
2 time.

3           Q.     You didn't want to be charged, you didn't  
4 want -- you know, points on you; right, against you,  
5 like you said, to be locked up anymore. You wanted  
6 to get out.

7           A.     Yes, sir.

8           Q.     Right. Because the RICO Act, you knew at  
9 some point that you were facing either life or the  
10 death penalty or you would be possibly facing life  
11 or death penalty on the RICO Act; right?

12          A.     Maybe not, though.

13          Q.     Sorry?

14          A.     Maybe not.

15          Q.     Maybe not? But possibly. I mean, isn't  
16 it true that you told your wife that?

17          A.     Yes, sir.

18          Q.     Yes. And -- but you told her not only  
19 that you would be facing life or the death penalty;  
20 that she might also be facing some time, as well;  
21 isn't that right?

22          A.     Yes, sir.

23          Q.     But neither one of those things were true;  
24 right?

25          A.     No, sir.

1 Q. You weren't telling your wife the truth at  
2 that point because you didn't know; right?

3 A. Yes, sir.

4 Q. And when you told her that she could go to  
5 jail, you lied about that, right, to your wife?

6 A. Yes, sir.

7 Q. And you told her the reason that you were  
8 cooperating with the feds -- that was the reason  
9 that you were cooperating, to save her from doing  
10 some time; isn't that right?

11 A. Yes, sir.

12 Q. And that was a lie?

13 A. Yes, sir.

14 Q. And you told her you were willing to work  
15 with the feds to protect her; right?

16 A. Yes, sir.

17 Q. And that was a lie.

18 A. Yes, sir.

19 Q. And you also told your wife or your mom  
20 that you wanted to protect your mom, as well?

21 A. Yes, sir.

22 Q. And that was a lie?

23 A. Yes.

24 Q. At that point I think your mom was in  
25 trouble or something like that?



1 A. No.

2 Q. She wasn't in trouble for smuggling drugs  
3 into the prison?

4 A. That case was dismissed.

5 Q. But she had been facing some charges  
6 there; is that right?

7 A. Not at that time, sir.

8 Q. Okay. Oh, yeah, the case was a state case  
9 that was dismissed; right?

10 A. Yes, sir.

11 Q. Do you know when that was dismissed?

12 A. I think a year before that.

13 Q. What year would that have been?

14 A. Maybe 2013, 2014.

15 Q. Well, these conversations took place in  
16 2015, I believe.

17 A. Yes, sir.

18 Q. In any case, you told your mom you were  
19 going to help her out and part of the deal was she  
20 wouldn't be prosecuted.

21 A. I never made that statement. About her  
22 being prosecuted for the drug possession charges?

23 Q. You never made that statement?

24 A. For the drug possession charges? The  
25 contraband to a facility? No, not that one.

1 Q. So you don't recall making that statement  
2 in your testimony?

3 A. No, sir.

4 Q. Back then you stated that she was in  
5 trouble for trying to bring drugs into the prison.  
6 Do you recall making that statement?

7 A. Can you refresh my memory? Can I see  
8 that?

9 Q. Start right here.

10 A. I remember that.

11 Q. So you made a statement like that, so that  
12 was pending at that time, the charges?

13 A. No, sir. When they asked me why would she  
14 be in any trouble, I told them maybe that would be  
15 the only reason why she would be in trouble, but  
16 there was no state case pending at that time of the  
17 RICO indictment.

18 Q. But you told her she might get in trouble  
19 because of that incident; right?

20 A. I might have.

21 Q. And that you would help her out; is that  
22 right?

23 A. I might have. Is that what it says right  
24 there?

25 Q. I believe so, and that --

1           A.     That's a phone conversation? I didn't  
2 mean to interrupt you. Sorry about that.

3           Q.     Actually, I might have misstated it to  
4 you. The part of it that wasn't true is: You led  
5 her to believe that she may have been facing charges  
6 when she really wasn't at that point. Isn't that  
7 true?

8           A.     Yes, sir.

9           Q.     Okay. Got that straight. Now, that's  
10 because the case -- by that point, the case had been  
11 dismissed; isn't that right?

12          A.     Yes, sir.

13          Q.     But you led her down the path of believing  
14 that as telling her that was a reason for you  
15 cooperating with the Government, to help her out;  
16 right?

17          A.     Yes, sir.

18          Q.     So that was also a lie to your mother; is  
19 that right?

20          A.     Yes, sir.

21          Q.     So anyway, Acee comes along, and as you  
22 stated, you certainly didn't want to get prosecuted  
23 for the RICO charges; right?

24          A.     Yes, sir.

25          Q.     Didn't want to do any more time; right?

1 A. Yes, sir.

2 Q. So you made a deal with the Government?

3 A. Yes, sir.

4 Q. Part of the deal is, you would collect  
5 information, possibly testify for them, and they  
6 would grant you immunity from prosecution; isn't  
7 that correct?

8 A. Correct, sir.

9 Q. And that was immunity not just from that  
10 RICO case which, in fact, you were never indicted  
11 for at all; is that right?

12 A. Correct, sir.

13 Q. But no other pending charges as well;  
14 right?

15 A. What pending charges?

16 Q. Well, for instance, you were implicated in  
17 some way with the Molina murder that you were aware  
18 of; isn't that right?

19 A. Yes.

20 Q. So they didn't bring any charges against  
21 you on that; is that right?

22 A. Yes, sir.

23 Q. And that would have been a RICO case, as  
24 well; right?

25 A. Yes, sir.

1 Q. And I believe there might have been a  
2 robbery or something that you were possibly facing,  
3 and they didn't prosecute you on that, as well.

4 A. I was never facing a robbery, sir.

5 Q. Okay. We'll take a look at that, as well.  
6 I believe back then you testified that you also were  
7 involved in some robberies when you first came into  
8 the SNM that they didn't prosecute you on; is that  
9 right?

10 A. I was a prospect and while I was a member,  
11 yes, sir.

12 Q. So there were robberies back early on in  
13 your career?

14 A. Yes, sir. Home invasions, armed  
15 robberies.

16 Q. Okay. We got that straightened out.

17 A. Yes, sir.

18 Q. There was a kidnapping charge that they  
19 didn't charge you on; is that correct?

20 A. Charges I was charged with or --

21 Q. Possibly charged with.

22 A. Oh, possibly, yes.

23 Q. And they didn't do anything on that, as  
24 well.

25 A. Yes, sir.

1 Q. That was part of the deal?

2 A. Yes, sir.

3 Q. And you've testified previously about the  
4 LC murder where you dumped the body of someone at a  
5 church; is that right?

6 A. Yes, sir.

7 Q. And they didn't prosecute you on that  
8 either; right?

9 A. Correct, sir.

10 Q. That was also part of the deal?

11 A. Correct, sir.

12 Q. So those were some of the benefits, and  
13 you got other benefits as well, relocation; you got  
14 some money on your books; a few little things;  
15 right?

16 A. Correct, sir.

17 Q. Now, one of the things that you were  
18 required to do to continue to get these benefits was  
19 to secretly use a recording device to record some  
20 people; right?

21 A. Correct, sir.

22 Q. And you willingly volunteered to do that;  
23 right?

24 A. Correct, sir.

25 Q. And this was in the prison; right?

1 A. Correct, sir.

2 Q. And having a recording device in prison --  
3 that's not allowed; right? I mean, normally it's  
4 not allowed unless you get hooked up; right?

5 A. Unless you're working for them or the  
6 Government; correct, sir.

7 Q. So you kind of had to sneak around with  
8 this thing in the prison; right?

9 A. Correct, sir.

10 Q. If one of the other inmates or brothers  
11 found you with a recorder, that was some serious  
12 stuff; right?

13 A. Probably stab me or kill me.

14 Q. Probably be the end for you; right?

15 A. Yes, sir.

16 Q. So you were required, I believe, to  
17 record -- Mr. Perez is one of the persons, at least;  
18 right?

19 A. Correct.

20 Q. And in order for you to do that, you had  
21 to kind of cozy up to him, get friendly with him,  
22 get him to talk; right?

23 A. We were already brothers, so we would  
24 talk.

25 Q. But you kind of had to soften him up. I

1 think you used the phrase "pressure points."

2 A. Yes.

3 Q. And you knew how to apply the pressure  
4 points; right?

5 A. Correct, sir.

6 Q. He had a few things going on with him; he  
7 had some illnesses, and he was kind of concerned  
8 that maybe he was going to get hit; right?

9 A. I don't know if he was concerned. I think  
10 he was more protecting his reputation.

11 Q. And you knew how to use that; right?

12 A. I didn't use it.

13 Q. Pressure points; right?

14 A. Yes, but that was never used.

15 Q. But in any case, within a few months of  
16 you working with Mr. Acee and the secret recording,  
17 you got him to say a few things; right?

18 A. Yes, sir.

19 Q. And that was done secretly, manipulating  
20 the system; right?

21 A. I would say it as working for the system,  
22 not --

23 Q. Because you were working for Acee?

24 A. Yes, sir.

25 Q. But for Mr. Perez?



1 A. I'm manipulating him.

2 Q. You manipulated him; right?

3 A. Yes, to tell me the truth, yes, sir.

4 Q. Because only a few people knew about that;  
5 right?

6 A. Yes, sir.

7 Q. And you knew it was important to record  
8 everything; right?

9 A. Yes, sir.

10 Q. If it wasn't recorded, it didn't happen.  
11 I think that's the marching orders you got from  
12 Mr. Acee; is that right?

13 A. He wanted recordings on that, yes, sir.

14 Q. And you understand when I say "cozied up  
15 to him," I don't mean physically, but you were  
16 friendly to him and got him to talk?

17 A. I understand.

18 Q. You plotted for several months to get this  
19 information, took, what, two months or so, maybe, to  
20 get him -- the last -- the recording lasted over a  
21 period of about two months?

22 A. I can't recall how long it took, but it  
23 took a little bit.

24 Q. Okay. Is this kind of espionage, "I Spy"  
25 sort of stuff kind of exciting?

1 A. Exciting?

2 Q. No? You didn't enjoy it?

3 A. No.

4 Q. I believe the phrase used in your  
5 participation at some point was "enthusiastic." You  
6 wouldn't say that about your participation?

7 A. "Enthusiastic" is a way to look at it to  
8 get yourself motivated to do it. But as far as  
9 being proud of it, I'm not proud of what I'm doing  
10 here today.

11 Q. Well, certainly not today, but in terms of  
12 helping out Mr. Acee, you were feeling pretty good  
13 about helping him out; right?

14 A. Doing the right thing, yes.

15 Q. And one of the things -- one of the things  
16 about being in prison is you have to be careful  
17 about who you talk to; right?

18 A. Yes, sir.

19 Q. And you've got to make sure you know who  
20 you talk to.

21 A. Yes.

22 Q. You can't just be saying stuff around  
23 anybody; right?

24 A. Correct, sir.

25 Q. That can get you in a lot of trouble?

1 A. Correct, sir.

2 Q. Get you killed. As you just stated, in  
3 terms of Mr. Perez, it was a little easier because  
4 you knew him; right?

5 A. Correct, sir.

6 Q. But it's not always that way, and you  
7 don't know always who to trust; is that right?

8 A. Outside of the organization, that's  
9 correct, sir.

10 Q. Well, even in the organization, you guys  
11 are killing each other left and right; right?

12 A. Yes, sir, on certain -- how do you say  
13 it -- certain situations, yes. Certain situations  
14 are a little more trustworthy as far as keeping the  
15 code of conduct, of silence.

16 Q. Now, supposedly in 2015, I believe you  
17 stated that Mr. Andrew Gallegos made a statement to  
18 you; is that right?

19 A. Correct, sir.

20 Q. And there was no recording of that?

21 A. No, sir.

22 Q. It's just what you said happened; is that  
23 right?

24 A. Correct, sir.

25 Q. And isn't it true that you only knew

1 Mr. Gallegos, Andrew Gallegos, maybe a month?

2 A. Correct, sir.

3 Q. Barely knew him; is that right?

4 A. Correct, sir.

5 Q. Never met him?

6 A. Only knew him from reputation, sir.

7 Q. Reputation, what other people have said?

8 A. Correct, sir.

9 Q. But you didn't know anything about him  
10 before that point; is that right?

11 A. No, I knew about him.

12 Q. Well, you knew about him from other  
13 people, but I'm talking about knowing him  
14 personally.

15 A. Yes, sir.

16 Q. He was in the cell above you; is that  
17 right?

18 A. Correct, sir.

19 Q. He helped you out by letting you use his  
20 phone card; is that right?

21 A. Correct, sir.

22 Q. Now, isn't it true that Andrew, for the  
23 most part, you observed him mostly just reading his  
24 Bible; isn't that right? You don't recall that?

25 A. I don't recall that.

1 Q. And while he was supposedly confessing to  
2 you, he told you everything; is that correct?

3 A. Not everything, but just enough.

4 Q. But it's pretty significant for him to  
5 only know you a short time and to confess to you  
6 about that; isn't that true?

7 A. Significant?

8 Q. Yeah. That's something you'd remember;  
9 right?

10 A. Yes, sir.

11 Q. Something you wouldn't forget; is that  
12 right?

13 A. Correct, sir.

14 Q. Now, you were asked at that hearing back  
15 in January -- let's see. Now, in the pages and  
16 pages of documents that you made statements and  
17 testimony, you never once mentioned Andrew Gallegos'  
18 name; isn't that right?

19 A. Say that again?

20 Q. I said before that statement that  
21 apparently occurred on April 9 of this year, you had  
22 never before mentioned Andrew Gallegos to the  
23 Government; isn't that right?

24 A. No, sir, that's not correct.

25 Q. It's not in any of your statements?

1           A.     Well, I know I told them about a number of  
2 things, and when I mentioned Demon from Belen, him  
3 and his brothers were --

4           Q.     Him and his brothers?

5           A.     Yes, sir.

6           Q.     Let's see here. I may have to come back  
7 to that.

8                     But now he told you -- I'll come back to  
9 that in a minute. But he told you, according to  
10 you, that this murder that happened in Belen, the  
11 body was found in a car, the trunk of the car, by  
12 authorities; right?

13          A.     Yes, sir.

14          Q.     And he also said, if I understand, that he  
15 was bound, put in the trunk of the car, and set on  
16 fire; is that right?

17          A.     He was bound, shot in the back of the  
18 head, and put in the trunk of the car and burned.

19          Q.     Okay. So he was shot in the back of the  
20 head. That's some additional information, I  
21 believe, but that's what you recall; is that right?

22          A.     Correct, sir.

23          Q.     And did he tell you anything else?

24          A.     Yes, sir. He was telling me that as long  
25 as my co-defendants stay solid --

1 MR. SINDEL: Your Honor, may we have a  
2 limiting instruction here? There was a complicated  
3 statement the other day, but I don't know where this  
4 is going.

5 THE COURT: Well, I lost a little track  
6 of -- you're eliciting statements of who,  
7 Mr. Roberts?

8 MR. SINDEL: I think they're all  
9 Mr. Andrew Gallegos.

10 MR. ROBERTS: He said the statement was  
11 Andrew Gallegos.

12 THE WITNESS: Yes, Your Honor.

13 THE COURT: Well, why don't you approach  
14 and tell me the statement again that was --

15 MR. ROBERTS: I'll withdraw the question,  
16 Judge.

17 THE COURT: All right.

18 BY MR. ROBERTS:

19 Q. One of the things that he supposedly said  
20 is that he controlled the drug business in the Belen  
21 Valencia area; is that right?

22 A. He would extort drug dealers there,  
23 bulldog them, take their narcotics, money.

24 Q. I believe the statement was actually that  
25 "They sell for us or not at all in Valencia or

1 Socorro County." That was the statement; right?

2 A. In 2004 he stated that's how it was.

3 Q. 2004?

4 A. Yes, in 2004. That's how it was. That's  
5 how they had it. 2003, something like that.

6 Q. But this statement supposedly was 2015.

7 A. Yes, sir. At that time, that's the murder  
8 but on another occasion he was talking about that.  
9 He was talking about 2004 on another occasion.

10 Q. They controlled the drug traffic in  
11 Valencia County.

12 MR. SINDEL: Your Honor, if he's talking  
13 about a statement by Mr. Gallegos, can we have a  
14 limiting instruction?

15 THE COURT: I think this was one of the  
16 ones I designated as against interests, so no.

17 BY MR. ROBERTS:

18 Q. Right. They didn't want anyone else  
19 dealing in Valencia/Belen?

20 A. In 2003, 2004, that's how it was. That's  
21 how they had it.

22 Q. But it doesn't say anything in here about  
23 2004, 2005.

24 A. Yeah, then I don't know.

25 Q. You don't know?



1           A.    I don't know. I don't know what's in  
2   there. I didn't write that.

3           Q.    Okay. But one thing you do know is that  
4   it was, as you stated in here, the body was found in  
5   the trunk of the car, burned, and the guy was shot  
6   in the back of the head; right?

7           A.    Yes, sir.

8           MR. ROBERTS: Give me a second, please?

9           THE COURT: Certainly.

10          BY MR. ROBERTS:

11          Q.    Now, at that time when you were locked up  
12   with the other informants in this case, you said you  
13   didn't have a tablet, or your tablet wasn't working,  
14   or you erased it, or something like that; is that  
15   right?

16          A.    I never had a tablet.

17          Q.    But other people locked up with you had a  
18   tablet; isn't that right?

19          A.    No.

20          Q.    So you never saw the discovery in this  
21   case when you were locked up?

22          A.    No, sir.

23          Q.    Not once?

24          A.    No, sir.

25          Q.    You've seen the indictment in this case;

1 right?

2 A. The indictment? No, I didn't.

3 Q. You didn't see that either? Let me see if  
4 I can get back to that question.

5 THE COURT: Are you about to wrap up?

6 MR. ROBERTS: Yes, Judge, just a minute.

7 BY MR. ROBERTS:

8 Q. There was a question here where you asked  
9 what else had Andrew said to you and you stated you  
10 don't remember what he said at all.

11 A. On what occasion is that talking about?

12 Q. It didn't state what occasion. When they  
13 asked you about Andrew, you said don't recall what  
14 he said. You don't recall that?

15 A. I don't know what you're asking about.

16 MR. ROBERTS: I don't have any more  
17 questions.

18 THE COURT: Thank you, Mr. Roberts.

19 All right, Mr. Castellano, do you have  
20 redirect?

21 MR. CASTELLANO: Yes, Your Honor.

22 REDIRECT EXAMINATION

23 BY MR. CASTELLANO:

24 Q. Mr. Cordova, do you remember entering into  
25 what's known as a Kastigar agreement?

1 A. Yes, sir.

2 Q. And how many months had you been  
3 cooperating before you even had an attorney in this  
4 case; do you remember?

5 A. It was quite a few months.

6 Q. So when you agreed to cooperate with the  
7 FBI, were you doing that on your own even without an  
8 attorney at that time?

9 A. Correct, sir.

10 MR. CASTELLANO: May I approach the  
11 witness, Your Honor?

12 THE COURT: You may.

13 BY MR. CASTELLANO:

14 Q. Do you remember exactly what the Kastigar  
15 letter protects you from?

16 A. Correct, sir.

17 Q. I'm going to show you paragraph 2. Do you  
18 recognize this as the Kastigar letter?

19 A. I can't see it that far, sir. Sorry about  
20 that. Paragraph 2 states that --

21 Q. Go ahead and read it to yourself and see  
22 if it reminds you.

23 A. All right.

24 Q. What's the date of the Kastigar letter?

25 A. The date of the Kastigar letter is June 9,

1 2016.

2 Q. So had you started talking to the FBI in  
3 January of 2016?

4 A. Correct, sir.

5 Q. Do you recall that the Kastigar letter  
6 only protects you from statements you make during  
7 debriefs?

8 A. Correct.

9 Q. Does that necessarily immunize you from  
10 crimes? It only refers to statements that you have  
11 made. Does it protect you from other things?

12 A. No, just statements.

13 Q. So for example, are you facing a charge  
14 before the grand jury right now, potentially a new  
15 charge?

16 A. Correct, sir.

17 Q. The allegation in the new charge -- the  
18 allegation is that you threw a liquid on a  
19 corrections officer?

20 A. Correct.

21 Q. So did that involve stabbing someone or  
22 punching someone, anything like that?

23 A. No, sir.

24 Q. When you hurt your wife for the SNM, why  
25 did you not tell the police that that was SNM

1 business?

2 A. Because that's ratting.

3 Q. So yeah, would you have any reason at that  
4 time to tell law enforcement that that was about the  
5 SNM?

6 A. Of course not.

7 Q. When you lied to your mom and your wife on  
8 the phone about your cooperation, why did you do  
9 that?

10 A. It's conflicting with what I'm doing  
11 today. A lot of -- some of these guys here know my  
12 family. That's not where I come from. My family --  
13 I was raised, you could say, raised to be a  
14 gangster. My family despises what I'm doing here  
15 today.

16 Q. Even now, does your family necessarily  
17 support you in cooperating with the Government?

18 A. I lost --

19 MR. COOPER: Objection, relevance.

20 THE COURT: Overruled.

21 A. I lost a lot of relationships because of  
22 what I'm doing here today. Put it that way.

23 BY MR. CASTELLANO:

24 Q. Yesterday you invoked the Fifth Amendment  
25 and refused to answer questions. Do you remember

1 that?

2 A. Yes, sir.

3 Q. Have you since decided not to invoke the  
4 Fifth and to answer questions put to you?

5 A. Yes, sir.

6 Q. And part of that -- was part of that  
7 concern about the hotshot that you and others gave  
8 that Los Carnales member on the streets?

9 A. Correct, sir.

10 Q. Did you remember that you had actually  
11 testified to those things before?

12 A. Correct.

13 Q. And you had revealed that to the  
14 Government before?

15 A. Correct, sir.

16 Q. Now, defense counsel asked you about at  
17 least seven murders. Do you remember that?

18 A. Correct, sir.

19 Q. Were those SNM murders?

20 A. Correct, sir.

21 Q. And was that information you were  
22 providing to law enforcement about murders?

23 A. Correct, sir.

24 Q. And at the point where you gave that  
25 information, were all those murders solved?

1 A. Some of them, yes, sir.

2 Q. And were some of them not solved or  
3 prosecuted?

4 MR. COOPER: I object to the leading form  
5 of the question.

6 THE COURT: Don't lead.

7 BY MR. CASTELLANO:

8 Q. What was the status of some of those  
9 murders?

10 A. I believe some were solved and some are  
11 still ongoing.

12 Q. And for some of the ones that are ongoing,  
13 did you give the names of law enforcement to  
14 participants?

15 MR. COOPER: Object to leading.

16 THE COURT: Let's let Mr. Cordova testify,  
17 not counsel.

18 MR. CASTELLANO: Okay.

19 BY MR. CASTELLANO:

20 Q. Let's ask open-ended questions, then,  
21 Mr. Cordova. Did you -- what are the names you gave  
22 to law enforcement? Are those people involved in  
23 the Sammy Chavez murder?

24 A. What are the names?

25 Q. Yes.

1           A.     Arturo Garcia, Sergio Rodriguez, and James  
2 Garcia.

3           Q.     And do you know if some of those people  
4 have been charged with that murder?

5           MR. BLACKBURN:   Objection, Your Honor.  
6 That's irrelevant.

7           THE COURT:   Well, I think he knows.  
8 Overruled.

9           A.     Yes, sir, I believe so.  
10 BY MR. CASTELLANO:

11          Q.     Do you remember how long ago it was that  
12 you gave information to law enforcement about Edward  
13 Troup's involvement in the Fred Sanchez murder?

14          A.     I can't put an exact -- like an exact  
15 date. I know we talked about a lot of information  
16 within the organization.

17          Q.     Would it help to refresh your memory to  
18 take a look at the report?

19          A.     Correct, sir. Can I see it?

20          Q.     Yes.

21          MR. CASTELLANO:   May I approach, Your  
22 Honor?

23          THE COURT:   You may.

24 BY MR. CASTELLANO:

25          Q.     Okay. Mr. Cordova, I'm going to show you



1 a report. Do you recall the date that you gave this  
2 information?

3 A. 2/9/2016.

4 Q. And do you recall whether or not you gave  
5 law enforcement the names of the participants in  
6 that murder?

7 A. Yes, sir.

8 Q. Who were the names you provided back in  
9 2016?

10 A. It was -- all together who was involved  
11 was Huero Troup, Brian Rascon, Raymond Rascon,  
12 and -- may I see that? Cheech.

13 MR. SINDEL: Your Honor, he may use the  
14 report to refresh his memory, but he can't read from  
15 it.

16 THE COURT: Hand it back to  
17 Mr. Castellano.

18 BY MR. CASTELLANO:

19 Q. Let me have you read it quietly to  
20 yourself, and I'll ask you about each one of those  
21 people.

22 A. I know what it is.

23 Q. So what was the issue with the Rascons?

24 A. The Rascons were going to get given a pass  
25 on their misconduct within the organization if they

1 took care of Freddie Sanchez.

2 Q. And did they take care of Freddie Sanchez?

3 A. No, sir. They were taking too long.

4 Q. And then what did you report to law  
5 enforcement about who took care of it after the  
6 Rascons didn't?

7 A. Huero Troup and Alonso, Wino.

8 Q. Do you recall being asked about a debrief  
9 on December 15 of 2017?

10 A. Yes, sir.

11 Q. Do you remember what the specific topic  
12 was of that conversation with law enforcement?

13 A. I believe it was --

14 Q. If you don't remember, I can refresh your  
15 memory. I know you have a lot of reports here.

16 A. Yes. I think it was Crazy.

17 MR. CASTELLANO: May I approach, Your  
18 Honor?

19 THE COURT: You may.

20 BY MR. CASTELLANO:

21 Q. I'm going to show you reports dated  
22 December 15, 2017, and January 24, 2018.

23 A. Javier Molina. Correct.

24 Q. So here is the question. In December --  
25 read this quietly to yourself. In December of 2017

1 were you asked about numerous murders or one  
2 specific murder?

3 A. Yeah, Crazy. Crazy, also known as Javier  
4 Molina.

5 Q. And was that a little more than a month  
6 before you were supposed to testify against other  
7 SNM members regarding the Javier Molina murder?

8 A. Correct, sir.

9 Q. So in anticipation of your testimony in  
10 that case, were you then asked specifically about  
11 that murder?

12 A. Correct, sir.

13 Q. So as this trial approached, were you then  
14 asked specifically about the people who were going  
15 to be in this trial?

16 A. Correct, sir.

17 Q. So on April 2 of 2018, did you provide  
18 information about people who were only in this  
19 trial?

20 A. Correct, sir. It's the same people I  
21 offered information in 2016 in that report.

22 Q. So is that why this information pertains  
23 only to these men in court?

24 A. Yes, sir.

25 Q. Over the years now, have you provided

1 information about many other topics related to the  
2 SNM?

3 A. Many.

4 Q. Does that include the more than seven  
5 murders even defense counsel asked you about today?

6 A. Correct, sir.

7 Q. You were asked about your conversation  
8 with Billy Garcia when he told you about the Pancho  
9 and Looney murders. Do you recall that?

10 A. Correct, sir.

11 Q. Now, were you being disrespectful to him?

12 A. No, sir. It was more like --

13 Q. What was the tone of that conversation?

14 A. I got a huila, which is a message, to ride  
15 with Styx. Okay? I've always looked up and  
16 respected Billy. So I went to Billy to ask him for  
17 advice, like a big brother would do with a little  
18 brother in the organization. I say, "Hey, carnal,  
19 check this out. What do I do with this?"

20 And he's like, nah, he's running me down  
21 the rules. So it's like I'm still getting schooled  
22 within the organization. I'm fresh in the  
23 organization now. So now things are still being ran  
24 down to me within the organization. And I asked  
25 him, "Well, what's the difference, if carnals break

1 the rules for this or for that? You break a rule,  
2 you break a rule."

3 And he starts stating, "No, there's  
4 different repercussions for different rules that are  
5 getting broken, different violations."

6 Q. So in that way was he schooling you about  
7 some of the rules of the SNM?

8 A. Yes.

9 MR. COOPER: Objection, leading.

10 THE COURT: Overruled.

11 A. Yes, sir, he was. He was schooling me  
12 about the policies and the rules within the  
13 organization.

14 BY MR. CASTELLANO:

15 Q. Now, was that the first time you had ever  
16 met Billy Garcia?

17 A. No, sir.

18 Q. Had you known him before that time?

19 A. Yes, sir.

20 Q. And I think you told us that one of his  
21 relatives was actually schooling you up even before  
22 you were a member?

23 A. Yes, my baby's mom's brother, which is his  
24 niece and nephew. His nephew schooled me up on  
25 becoming a brother. He was the one I would call

1 grooming when I was a prospect, I was a Ziakeeskie.

2 MR. COOPER: Objection, Your Honor,  
3 hearsay.

4 THE COURT: Well, if he's talking about  
5 the rules, I think that's fair. Overruled.

6 BY MR. CASTELLANO:

7 Q. And the short question really is: Was not  
8 only Billy Garcia schooling you up, but even his  
9 nephew, even before you became a member?

10 A. Yes, sir.

11 Q. You were asked about tape-recording people  
12 in prison. Do you remember that?

13 A. Yes, sir.

14 Q. When you had the conversations with other  
15 people in this case where you've testified, did you  
16 have a recording device with you in prison?

17 A. Rephrase that.

18 Q. So when Edward Troup spoke to you or when  
19 Andrew Gallegos spoke to you, did you have a  
20 recording device with you?

21 A. I wasn't working for the FBI yet.

22 Q. So was that at a time before you were  
23 cooperating?

24 A. Yes. I wasn't cooperating at that time.

25 Q. You were also asked about this prior

1 testimony about your drug use. Do you remember  
2 that?

3 A. Yes, sir.

4 Q. Now, how is it that the defense attorneys  
5 knew that you had used drugs in Clayton?

6 A. Because you had asked me, and I was being  
7 honest, and I told you yes, I did, I did use. And  
8 you said, "Okay, this will have to be disclosed."

9 I said, "I understand."

10 Q. And then was it disclosed to them?

11 A. Yes, sir.

12 Q. And is that how they knew that  
13 information?

14 A. Yes, that's how they knew.

15 Q. Did you test positive for any urinalysis  
16 that was revealed?

17 A. No illegal drugs, no, sir.

18 Q. As a matter of fact, pretty much all this  
19 information that you were asked about, was that  
20 information that you told to the FBI?

21 A. Yes, sir.

22 Q. You were asked about water-boarding some  
23 people. Do you remember why you water-boarded some  
24 of those people?

25 A. Yes, sir.

1 Q. What were some of those reasons?

2 A. They weren't paying taxes to the  
3 organization. They were local drug dealers that  
4 either weren't paying taxes or weren't paying  
5 tribute to the organization, so we would go in, we  
6 would rob them. They wouldn't give us the narcotics  
7 or the money, we would torture them different ways.  
8 One of the ways was water-boarding them until they  
9 gave us the location of narcotics, money, weapons,  
10 whatever we were going to retrieve.

11 Q. Were any of those people suppose to be  
12 witnesses against any SNM Gang members?

13 A. Witnesses?

14 MR. SINDEL: Object, Your Honor.  
15 Obviously calls for hearsay.

16 THE COURT: Well, lay some foundation for  
17 how he would know that.

18 BY MR. CASTELLANO:

19 Q. Do you remember a name, I think it's maybe  
20 Alex Munoz?

21 A. Yes, sir.

22 Q. Did you water-board that person?

23 A. No, sir, not Alex Munoz, sir.

24 Q. Let me make sure I have the right name  
25 here. While I'm doing that, you were asked when you



1 were supposed to follow or intimidate people from  
2 the trial against Michael Astorga.

3 A. Yes.

4 Q. Was he referred to as the famous  
5 cop-killer?

6 A. Yes, sir.

7 Q. And was the person who told you that  
8 referred to as Pup?

9 A. Yes, sir.

10 Q. Was that Anthony Baca?

11 A. Yes, sir.

12 Q. What was his status in the gang?

13 A. He was at the top of the organization,  
14 which we would refer to as one of our jefes, our  
15 boss.

16 Q. Was he above Gerald Archuleta?

17 A. Yes, sir.

18 Q. You talked about it for a second on  
19 cross-examination. After you broke the rules and  
20 you were cut off as a confidential human source, how  
21 long was it that you were even cut off from  
22 communication with Special Agent Acee?

23 A. How long after?

24 Q. Yes.

25 A. Immediately, once they found out what

1 happened.

2 Q. And how long was it before you spoke to  
3 him again?

4 A. I hadn't seen him again since that motion  
5 in December.

6 Q. So almost a year?

7 A. Yes, sir.

8 Q. During that timeframe, then, were you  
9 debriefing and giving information to the Government?

10 A. No, sir.

11 Q. Even after you were terminated as a  
12 confidential human source, can you say whether or  
13 not you recorded someone else in a prison setting?

14 A. Yes, sir.

15 Q. Who was that person?

16 A. Gabriel Valdivia. He's one of our allied  
17 gangs that we associate with in the federal prison  
18 system, Sureno that was trying be made an MM,  
19 Mexican Mafia.

20 MR. SINDEL: I'm going to object to the  
21 relevance of this.

22 THE COURT: Sustained. Are you about  
23 ready to wrap up, Mr. Castellano?

24 MR. CASTELLANO: I am, Your Honor. May I  
25 approach the witness?

1 THE COURT: Why don't we wrap up. Just  
2 conclude.

3 MR. CASTELLANO: No further questions.

4 THE COURT: Thank you, Mr. Castellano.  
5 Mr. Cordova, you may step down.

6 Is there any reason that Mr. Cordova  
7 cannot be excused from the proceedings?

8 MR. BURKE: Your Honor, may I have some  
9 recross?

10 THE COURT: No. No. Do you want him  
11 reserved for your case?

12 MR. BURKE: Yes.

13 THE COURT: You'll be subject to recall,  
14 and that means you will need to stay outside of the  
15 courtroom, but you can leave the courtroom. Thank  
16 you for your testimony.

17 THE WITNESS: Thank you, Your Honor.

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3

4 C-E-R-T-I-F-I-C-A-T-E

5 I, Jennifer Bean, FAPR, RDR, CRR, RMR, CCR,  
6 Official Court Reporter for the State of New Mexico,  
7 do hereby certify that the foregoing pages  
8 constitute a true transcript of proceedings had  
9 before the said Court, held in the District of New  
10 Mexico, in the matter therein stated.

11 In testimony whereof, I have hereunto set my  
12 hand on this 20th day of May, 2018.

13

14

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